FILED
MAR 4 - 2008
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SUPREME COURT, U.S.

6

No. 06-1505

IN THE

Supreme Court of the United States

Clifford B. Meacham, *et al.*,
Petitioners,

v.

Knolls Atomic Power Laboratory, *et al.*

On Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit

JOINT APPENDIX

Seth P. Waxman
Counsel of Record
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave., N.W.
Washington, DC 20006
(202) 663-6000
Counsel for Respondents

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Counsel for Petitioner

PETITION FOR WRIT OF CERTIORARI FILED MAY 9, 2007
CERTIORARI GRANTED JANUARY 18, 2008

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APPENDIX A

U.S. District Court for the Northern District of New York

Case # 1:97-cv-00012-DRH

Meacham, et al v. Knolls Atomic Power, et al

Assigned to:
Magistrate Judge
David R. Homer

Demand:
$50,000,000

Case in other court:
02-07378(L) and
02-7474(XAP)

Cause: 29:621
Job Discrimination (Age)

Date Filed:
01/06/1997

Date Terminated:
12/05/2000

Jury Demand:
Plaintiff

Nature of Suit: 442
Civil Rights: Jobs

Jurisdiction:
Federal Question

Plaintiff	Represented by
Thedrick L. Eighmie *Individually and on behalf of all other persons similarly situated*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Plaintiff	Represented by
Allen G. Sweet *Individually and on behalf of all other persons similarly situated*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
PhD. James R. Quinn	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Deborah L. Bush	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Hildreth E. Simmons, Jr. *TERMINATED: 10/02/2000*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Raymond E. Adams	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
Wallace Arnold	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
Henry Bielawski *TERMINATED: 10/27/2000*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
Ronald G. Butler, Sr.	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
William F. Chabot	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
James S. Chambers *TERMINATED: 09/28/2000*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	
Allen E. Cromer	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	
Paul M. Gundersen	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Arthur J. Kaszubski *TERMINATED: 09/28/2000*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
David J. Kopmeyer *TERMINATED: 09/28/2000*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Clifford J. Levendusky	**John B. DuCharme** (See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Bruce E. Palmatier	**John B. DuCharme** (See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Christine A. Palmer *TERMINATED: 10/10/2001*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
Neil R. Pareene	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
Frank A. Paxton *TERMINATED: 09/28/2000*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
Janice M. Polsinelle	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
William C. Reynheer	**John B. DuCharme** (See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
John K. Stannard	**John B. DuCharme** (See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
David W. Townsend	**John B. DuCharme** (See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*
Consol Plaintiff	Represented by
Teofils F. Turlais *TERMINATED: 09/28/2000*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Bruce E. Vedder *TERMINATED: 09/28/2000*	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Consol Plaintiff	Represented by
Carl T. Woodman	**John B. DuCharme** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Defendant	Represented by
Knolls Atomic Power Laboratory *also known as* KAPL, Inc.	**John E. Higgins** Nixon, Peabody Law Firm - Albany Office Omni Plaza, Suite 900 30 South Pearl Street Albany, NY 12207 518-427-2650 Fax: 518-427-2666 Email: JEHiggins@nixonpeabody.com *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

	Michael R. Zeller Office of Michael R. Zeller 45 Birchwood Lane Hartsdale, NY 10530 914-949-5641 Fax: 914-428-4258 Email: mrzb46@aol.com *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Defendant	Represented by
Lockheed Martin, Inc.	**John E. Higgins** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED* **Michael R. Zeller** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*
Defendant	Represented by
John J. Freeh *both individually and as an employee of KAPL and Lockheed Martin*	**John E. Higgins** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Michael R. Zeller
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/06/1997	1	COMPLAINT filed; FILING FEE $ 150.00 RECEIPT # 27993; Service deadline 3/7/97 for John J. Freeh, for Lockheed Martin, for Knolls Atomic Power (fce) (Entered: 01/06/1997)
02/28/1997	5	ANSWER to Complaint by Knolls Atomic Power, Lockheed Martin, John J. Freeh (Attorney Michael R. Zeller) (fce) (Entered: 02/28/1997)
02/28/2000	59	MEMORANDUM-DECISION AND ORDER granting defendants' [54-1] motion to bifurcate the liability and damages phases of the trial of the above captioned case pursuant to FRCP 42(b), The trial of the liability phase shall commence on the previously scheduled date for commencement of trial of June 20, 2000 at 9:30 a.m. , The trial

		of the damages phase, if necessary, shall commence before the same jury on a date to be determined at the conclusion of the liability phase (signed by Magistrate Judge David R. Homer on 2/28/00) (jel) (Entered: 02/29/2000)
06/13/2000	67	Proposed Jury instructions/Requests to Charge by Michael R. Zeller, Esq., for Knolls Atomic Power, Lockheed Martin, John J. Freeh (jel) (Entered: 06/13/2000)
06/14/2000	71	Proposed Jury instructions/Charge to Jury by John B. DuCharme, Esq., for Clifford B. Meacham, Thedrick L. Eighmie, Allen G. Sweet, James R. Quinn, Deborah L. Bush, Hildreth E. Simmons Jr., Raymond E. Adams, Wallace Arnold, Henry Bielawski, Ronald G. Butler Sr., William F. Chabot, James S. Chambers, Allen E. Cromer, Paul M. Gundersen, Arthur J. Kaszubski, David J. Kopmeyer, Clifford J. Levendusky, Bruce E. Palmatier, Christine A. Palmer, Neil R. Pareene, Frank A. Paxton, Janice M. Polsinelle,

		William C. Reynheer, John K. Stannard, David W. Townsend, Teofils F. Turlais, Bruce E. Vedder, Carl T. Woodman (jel) (Entered: 06/14/2000)
07/24/2000	87	TRANSCRIPT OF PROCEEDINGS filed for the date of 4/14/00 before Judge David R. Homer in Albany. Appearances Made: John Ducharme and Joseph Berger, Esqs., for the plaintiffs; Michael Zeller, Alesia J. Kantor and John Higgins, Esqs., for the defendants. (jel) (Entered: 07/31/2000)
07/26/2000	85	Jury instructions (jel) (Entered: 07/26/2000)
07/26/2000	86	JURY VERDICT (jel) (Entered: 07/26/2000)
10/12/2000	119	JURY VERDICT for Clifford B. Meacham, James R. Quinn, Wallace Arnold, William C. Reynheer (jel) (Entered: 10/13/2000)
11/01/2000	124	SPECIAL JURY VERDICT FORM as to Allen Sweet, William Chabot, Allen Cromer, Clifford Levendusky and Neil Pareene. (jel) (Entered: 11/01/2000)

12/05/2000	131	JUDGMENT/ORDER, All defendants are granted judgment on all claims as to plaintiffs Ronald Butler, Sr. and Janice Polinelle , All defendants are granted judgment as to all plaintiffs on plaintiffs' disparate treatment theory of age discrimination under the Age Discrimination in Employment Act and the New York Human Rights Law , The plaintiffs listed below are granted judgment against (a) defendants Knolls Atomic Power Laborartory and Lockheed Martin, Inc. on plaintiffs' disparate impact theory of age discrimination under the Age Discrimination in Employment Act; (b) defendants Knolls Atomic Power Laboratory, Lockheed Martin, Inc. and John J. Freeh under the new York Human Rights Law; and (c) all three defendants as to the palintiffs listed below on the plaintiffs' claims for liquidated damages based on the finding that the defendants each acted willfully; and the plaintiffs listed below are each awarded judgment for

damages against all three defendants in the total amounts listed below for each plaintiff: 1. Raymond Adams Back Pay: $20,911.26; Liquidated Damages: $20,911.26; Front Pay: 75,205.01; Emotion Distress-Past: $198,400.00; Emotional Distress-Future: $96,395.60; Total: $411,823.13; 2. Wallace Arnold: Back Pay: $172,899.95; Liquidated Damages: $172,899.95; Front Pay: $62,247.50; Emotional Distress-Past: $75,000.00; Emotional Distress-Future: $43,778.41; Total: $526,825.81; 3. Deborah L. Bush: Back Pay: $32,152.97; Liquidated Damages: $32,152.97; Front Pay: $70,625.15; Emotional Distress-Past: $67,800.00; Emotional Distress-Future: $43,778.41; Total: $246,509.50; 4. William R. Chabot: Back Pay: $0.00; Liquidated Damages: $0.00; Front Pay: $0.00; Emotional Distress-Past: $110,000.00; Emotional Distress-Future: $9,734.85; Total: $119,734.85; 5. Allen E. Cromer: Back Pay: $17,326.06;

Liquidated Damages: $17,326.06; Front Pay: $0.00; Emotional Distress-Past: $65,000.00; Emotional Distress-Future: $9,734.85; Total: $109,386.97; 6. Thedrick L. Eighmie: Back Pay: $25,585.00; Liquidated Damages: $25,585.00; Front Pay: $0.00; Emotional Distress-Past: $40,275.00; Emotional Distress-Future: 0.00; Total: $91,445.00; 7. Paul M. Gundersen: Back Pay: $14,820.15; Liquidated Damages: $14,820.15; Front Pay: $0.00; Emotional Distress-Past: $86,800.00; Emotional Distress-Future: $43,778.41; Total: $160,218.71; 8. Clifford J. Levendusky: Back Pay: $21,461.17; Liquidated Damages: $21,461.17; Front Pay: $0.00; Emotional Distress-Past: $120,000.00; Emotional Distress-Future: $27,683.21; Total: $190,605.55; 9. Clifford B. Meacham: Back Pay: $0.00; Liquidated Damages: $0.00; Emotional Distress-Past: $125,000.00; Emotional Distress-Future: $0.00; Total: $125,000.00; 10: Bruce E.

Palmatier: Back Pay: $2,841.28; Liquidated Damages: $2,841.28; Front Pay: $13,211.05; Emotional Distress-Past: $206,500.00; Emotional Distress-Future: $106,732.48; Total: $332,126.09; 11. Christine A. Palmer: Back Pay: $11,281.25; Liquidated Damages: $11,281.25; Emotional Distress-Past: $56,250.00; Emotional Distress-Future: $0.00; Total: $78,812.50; 12. Neil R. Pareene: Back Pay: $63,050.37; Liquidated Damages: $63,050.37; Front Pay: $0.00; Emotional Distress-Past: $130,000.00; Emotional Distress-Future: $27,683.21; Total: $283,783.95; 13. James R. Quinn: Back Pay: $12,460.00; Liquidated Damages: $12,460.00; Front Pay: $0.00; Emotional Distress-Past: $44,000.00; Emotional Distress-Future: $0.00; Total: $68,921.04; 14. William C. Reynheer: Back Pay: $179,740.17; Liquidated Damages: $179,740.17; Front Pay: $62,247.50; Emotional Distress-Past: $539,220.51;

Emotional Distress-Future: $114,276.73; Total: $1,115,357.58; 15. John K. Stannard: Back Pay: $58,242.97; Liquidated Damages: $58,242.97; Front Pay: $0.00; Emotional Distress-Past: $122,750.00; Emotional Distress-Future: $18,953.46; Total: $258,189.40; 16. Allen G. Sweet: Back Pay: $0.00; Liquidated Damages: $0.00; Front Pay: $0.00; Emotional Distress-Past: $110,000.00; Emotional Distress-Future: $18,953.46; Total: $128,953.46; 17. David W. Townsend: Back Pay: $18,126.82; Liquidated Damages: $18,126.82; Front Pay: $25,121.50; Emotional Distress-Past: $248,000.00; Emotional Distress-Future: $88,107.77; Total: $397,482.91; 18. Carl T. Woodman: Back Pay: $33,920.18; Liquidated Damages: $33,920.18; Front Pay: $42,344.21; Emotional Distress-Past: $182,168.95; Emotional Distress-Future: $139,755.36; Total: $432,108.88 (signed by Magistrate Judge David R. Homer on 12/5/00) (jcl) (Entered: 12/06/2000)

12/11/2000	133	AMENDED JUDGMENT/ORDER, All defendants are granted judgment on all claims as to plaintiffs Ronald Butler, Sr. and Janice Polsinelle , All defendants are granted judgment as to all plaintiffs on plaintiffs' disparate treatment theory of age discrimination under the Age Discrimination in Employment Act and the New York Human Rights Law , The plaintiffs listed below are granted judgment against defendant KAPL, Inc. and Lockheed Martin Corporation on plaintiffs' disparate impact theory of age discrimination under the Age Discrimination in Employment Act and the New York Human Rights Law, and on plaintiffs' claims for liquidated damages based on the finding that KAPL, inc. and Lockheed Martin Corporation each acted wilfully; and the plaintiffs listed below are each awarded judgment for damages against defendants KAPL, Inc. and Lockheed Martin Corporation in the total amounts listed belwo for each

plaintiff 1. Raymond Adams: Back Pay: $20,911.26; Liquidated Damages: $20,911.26; Front Pay: $75,205.01; Emotional Distress-Past: $198,400.00; Emotional Distress-Future: $96,395.60; Total: $411,823.13; 2. Wallace Arnold: Back Pay: $172,899.95; Liquidated Damages: $172,899.95; Front Pay: $62,247.50; Emotional Distress-Past: $75,000.00; Emotional Distress-Future: $43,778.41; Total: $526,825.81; 3. Deborah L. Bush: Back Pay: $32,152.97; Liquidated Damages: $32,152.97; Front Pay: $70,625.15; Emotional Distress-Past: $67,800.00; Emotional Distress-Future: $43,778.41; Total: $246,509.50; 4. William R. Chabot: Back Pay: $0.00; Liquidated Damages: $0.00; Front Pay: $0.00; Emotional Distress-Past: $110,000.00; Emotional Distress-Future: $9,734.85; Total: $119,734.85; 5. Allen E. Cromer: Back Pay: $17,326.06; Liquidated Damages: $17,326.06; Front Pay: $0.00; Emotional Distress-Past:

$65,000.00; Emotional Distress-Future: $9,734.85; Total: $109,386.97 6. Thedrick L. Eighmie: Back Pay: $25,585.00; Liquidated Damages: $25,585.00; Front Pay: $0.00; Emotional Distress-Past: $40,275.00; Emotional Distress-Future: $0.00; Total: $91,445.00; 7. Paul M. Gundersen: Back Pay: $14,820.15; Liquidated Damages: $14,820.15; Front Pay: $0.00; Emotional Distress-Past: $86,800.00; Emotional Distress-Future: $43,778.41; Total: $160,218.71; 8. Clifford J. Levendusky: Back Pay: $21,461.17; Liquidated Damages: $21,461.17; Front Pay: $0.00; Emotional Distress-Past: $120,000.00; Emotional Distress-Future: $27,683.21; Total: $190,605.55; 9. Clifford B. Meacham: Back Pay: $0.00; Liquidated Damages: $0.00; Emotional Distress-Past: $125,000.00; Emotional Distress-Future: $0.00; Total: $125,000.00; 10. Bruce E. Palmatier: Back Pay: $2,841.28; Liquidated Damages: $2,841.28; Front

Pay: $13,211.05; Emotional Distress-Past: $206,500.00; Emotional Distress-Future: $106,732.48; Total: $332,126.09; 11. Christine A. Palmer: Back Pay: $11,281.25; Liquidated Damages: $11,281.25; Emotional Distress-Past: $56,250.00; Emotional Distress-Future: $0.00; Total: $78,812.50; 12. Neil R. Pareene: Back Pay: $63,050.37; Liquidated Damages: $63,050.37; Front Pay: $0.00; Emotional Distress-Past: $130,000.00; Emotional Distress-Future: $27,683.21; Total: $283,783.95; 13. James R. Quinn: Back Pay: $12,460.52; Liquidated Damages: $12,460.52; Front Pay: $0.00; Emotional Distress-Past: $44,000.00; Emotional Distress-Future: $0.00; Total: $68,921.04; 14. William C. Reynheer: Back Pay: $179,740.17; Liquidated Damages: $179,740.17; Front Pay: $102,380.00; Emotional Distress-Past: $539,220.51; Emotional Distress-Future: $114,276.73; Total: $1,115,357.58; 15. John K.

Stannard: Back Pay: $58,242.97; Liquidated Damages: $58,242.97; Front Pay: $0.00; Emotional Distress-Past: $122,750.00; Emotional Distress-Future: $18,953.46; Total: $258,189.40; 16. Allen G. Sweet: Back Pay: $0.00; Liquidated Damages: $0.00; Front Pay: $0.00; Emotional Distress-Past: $110,000.00; Emotional Distress-Future: $18,953.46; Total: $128,953.46; 17. David W. Townsend: Back Pay: $18,126.82; Liquidated Damages: $18,126.82; Front Pay: $25,121.50; Emotional Distress-Past: $248,000.00; Emotional Distress-Future: $88,107.77; Total: $397,482.91; 18: Carl T. Woodman: Back Pay: $33,920.18; Liquidated Damages: $33,920.18; Front Pay: $42,344.21; Emotional Distress-Past: $182,168.95; Emotional Distress-Future: $139,755.36; Total: $432,108.88 , The plaintiffs listed below are granted judgment against defendant John J. Freeh on plaintiffs' disparate impact theory of age discrimination under New York Human

Rights Law, and the plaintiffs listed below are each awarded judgment for damages against defendant John J. Freeh, Jointly and severally, in the total amounts listed below for each plaintiff: 1. Raymond Adams: Back Pay: $20,911.26; Front Pay: $75,205.01; Emotional Distress-Past: $198,400.00; Emotional Distress-Future: $96,395.60; Total: $390,911.87; 2. Wallace Arnold: Back Pay: $172,899.95; Front Pay: $62,247.50; Emotional Distress-Past: $75,000.00; Emotional Distress-Future: $43,778.41; Total: $353,925.86; 3. Deborah L. Bush: Back Pay: $32,152.97; Front Pay: $70,625.15; Emotional Distress-Past: $67,800.00; Emotional Distress-Future: $43,778.41; Total: $214,356.53; 4. William R. Chabot: Back Pay: $0.00; Front Pay: $0.00; Emotional Distress-Past: $110,000.00; Emotional Distress-Future: $9,734.85; Total: $119,734.85; 5. Allen E. Cromer: Back Pay: $17,326.06; Front Pay: $0.00; Emotional Distress-Past:

$65,000.00; Emotional Distress-Future: $9,734.85; Total: $92,060.91; 6. Thedrick L. Eighmie: Back Pay: $25,585.00; Front Pay: $0.00; Emotional Distress-Past: $40,275.00; Emotional Distress-Future: $0.00; Total: $65,860.00; 7. Paul M. Gundersen: Back Pay: $14,820.15; Front Pay: $0.00; Emotional Distress-Past: $86,800.00; Emotional Distress-Future: $43,778.41; Total: $145,398.56; 8. Clifford J. Levendusky: Back Pay: $21,461.17; Front Pay: $0.00; Emotional Distress-Past: $120,000.00; Emotional Distress-Future: $27,683.21; Total: $169,144.38; 9. Clifford B. Meacham: Back Pay: $0.00; Emotional Distress-Past: $125,000.00; Emotional Distress-Future: $0.00; Total: $125,000.00; 10. Bruce E. Palmatier: Back Pay: $2,841.28; Front Pay: $13,211.05; Emotional Distress-Past: $206,500.00; Emotional Distress-Future: $106,732.48; Total: $329,284.81; 11. Christine A.

Palmer: Back Pay: $11,281.25; Emotional Distress-Past: $56,250.00; Emotional Distress-Future: $0.00; Total: $67,531.25; 12. Neil R. Pareene: Back Pay: $63,050.37; Front Pay: $0.00; Emotional Distress-Past: $130,000.00; Emotional Distress-Future: $27,683.21; Total: $220,733.58; 13. James R. Quinn: Back Pay: $12,460.52; Front Pay: $0.00; Emotional Distress-Past: $44,000.00; Emotional Distress-Future: $0.00; Total: $56,460.52; 14. William C. Reynheer: Back Pay: $179,740.17; Front Pay: $102,380.00; Emotional Distress-Past: $539,220.51; Emotional Distress-Future: $114,276.73; Total: $935,617.41; 15. John K. Stannard: Back Pay: $58,242.97; Front Pay: $0.00; Emotional Distress-Past: $122,750.00; Emotional Distress-Future: $18,953.46; Total: $199,946.43; 16. Allen G. Sweet: Back Pay: $0.00; Front Pay: $0.00; Emotional Distress-Past: $110,000.00; Emotional Distress-Past: $18,953.46;

		Total: $128,953.46; 17. David W. Townsend: Back Pay: $18,126.82; Front Pay: $25,121.50; Emotional Distress-Past: $248,000.00; Emotional Distress-Future: $88,107.77; Total: $379,356.09; 18: Carl T. Woodman: Back Pay: $33,920.18; Front Pay: $42,344.21; Emotional Distress-Past: $182,168.95; Emotional Distress-Future: $139,755.36; Total: $398,188.70 (signed by Magistrate Judge David R. Homer on 12/11/00) Date Entered: 12/11/00 (jel) (Entered: 12/11/2000)
12/19/2000	137	NOTICE OF MOTION by John E. Higgins, Esq., for Knolls Atomic Power, Lockheed Martin, John J. Freeh, James R. Quinn for Judgment as a Matter of Law, New Trial and/or Remittitur , Hearing set for 10:00 a.m. on 3/16/01, Response Deadline 3/1/01 Motion returnable before Judge/Mag. Judge: David R. Homer (jel) (Entered: 12/19/2000)
12/19/2000	137	SUPPORTING AFFIDAVIT along with Exhibits A-K by John E. Higgins, Esq., for

		Knolls Atomic Power, Lockheed Martin, John J. Freeh Re: in support of the [137-1] motion for Judgment as a Matter of Law, New Trial and/or Remittitur (jel) (Entered: 12/19/2000)
02/01/2001	196	POST-TRIAL MEMORANDUM OF LAW by John E. Higgins, Esq., for Knolls Atomic Power, Lockheed Martin, John J. Freeh in support of the [137-1] motion for Judgment as a Matter of Law, New Trial and/or Remittitur (jel) (Entered: 02/02/2001)
02/13/2002	212	MEMORANDUM-DECISION AND ORDER that Defendants' [137-1] motion for Judgment as a Matter of Law is DENIED, and New Trial and/or Remittitur is DENIED in all respects except as to the following: i. Defendants' moton for a new trial on the issue of damages for emotional distress awarded to plaintiffs Raymond E. Adams, Clifford J. Levendusky, Neil R. Pareene, William C. Reynheer, Allen G. Sweet and Carl T. Woodman is GRANTED unless such

plaintiffs file and serve written acceptances of remittiur of the emotional distress components of their damages awards to $125,000.00 each on or before 3/8/02; ii. Defendants' motion for a new trial on the issue of damages for emotional distress awarded to plaintiffs Bruce E. Palmatier and David W. Townsend is GRANTED unless such plaintiffs file and serve written acceptances of remittitur of the emotional distress components of their damages awards to $175,000 each on or before 3/8/02, Plaintiffs' [138-1] motion for A. Prejudgment interest is GRANTED as to plaintiffs' back pay awards and is DENIED in all other respects; B. Postjudgment interest is GRANTED; C. An upward adjustment of damages for increased taxes is DENIED; Plaintiffs' [197-1] motion for an award of attorneys' fees and costs incurred through 11/22/00 is GRANTED, and plaintiffs are awarded attorneys' fees in the amount of $873,868.09 and costs in the amount of

		$23,483.02. (signed by Magistrate Judge David R. Homer) (jel) (Entered: 02/14/2002)
03/28/2002	214	SECOND AMENDED JUDGMENT (Signed by Judge David R. Homer on 3/28/02); Date Served: 3/28/02 Date Entered: 3/28/02 (jel) (Entered: 03/28/2002)
04/03/2002	215	NOTICE OF APPEAL by Margaret A. Clemens, Esq., for Knolls Atomic Power, Lockheed Martin, John J. Freeh. Appellants are appealing from the second amended judgment entered on or about 3/28/02. FILING FEE $105.00 RECEIPT #62334 Appeal record due on 5/3/02 (jel) (Entered: 04/04/2002)
04/24/2002	219	NOTICE OF APPEAL by John B. Ducharme, Esq., for Clifford B. Meacham, Thedrick L. Eighmie, Allen G. Sweet, James R. Quinn, Deborah L. Bush, Raymond E. Adams, Wallace Arnold, William F. Chabot, Allen E. Cromer, Paul M. Gundersen, Clifford J. Levendusky, Bruce E. Palmatier, Neil R. Pareene,

		William Reynheer, John K. Stannard, David W. Townsend, Carl T. Woodman. FILING FEE $ 105.00 RECEIPT # 62403 Appeal record due on 5/24/02 (jel) (Entered: 04/25/2002)
05/14/2002	224	THIRD AMENDED JUDGMENT (signed by USMJ David R. Homer on 5/14/02) Date Served: 5/16/02 (jel) (Entered: 05/16/2002)
06/07/2002	225	NOTICE OF APPEAL by John E. Higgins, Esq., for Knolls Atomic Power, Lockheed Martin, John J. Freeh. Appellant is appealing from the Third Amended Judgment entered and filed on 5/14/02. FILING FEE $105.00 RECEIPT #64048 (jel) (Entered: 06/10/2002)
11/08/2004	290	MANDATE and Slip Opinion of USCA. It is ORDERED, ADJUDGED, and DECREED that the judgment of said District Court is hereby AFFIRMED in accordance with the opinion of this court. (ban) (Entered: 11/09/2004)
11/22/2004	291	Appeal Remark re 225 Notice of Appeal: An order has been

BEST AVAILABLE COPY

		entered by the Supreme Court recalling and staying the mandate reissuance of the mandate of this court in the above entitled case. Copy of Order attached. (ban) (Entered: 11/26/2004)
01/24/2007	293	MANDATE and Slip Opinion of USCA. (ban) (Entered: 01/26/2007)

APPENDIX B

U.S. Court of Appeals for the Second Circuit

Court of Appeals Docket #: 02-7378-cv

Nsuit : 3442 CIVIL RIGHTS-Jobs

Meacham v. Knolls Atomic Power Filed 4/8/02

Appeal from: NDNY (ALBANY)

Case type information:

Lower court information:

District:	97-cv-12
Trial Judge:	
MagJudge:	David R. Homer
Date Filed:	01/06/97
Date order/judgement:	3/28/2002
Date NOA filed:	4/3/2002

Fee status: Paid

Panel Assignment: JMcL DJ RSP

Date of decision:

Prior cases: NONE

Current cases NONE

EEOC **Nat`l Employment** *Amicus Curiae*	**Barbara L. Sloan Esq.** Equal Employment Opportunity Commission 1801 L St., NW Washington , DC , 20507 202-663-4721 **Cathy Ventrell-Monsees Esq.** Law office of Cathy Ventrell-Monsees 3208 Flushing Meadow Terrace Chevy Chase, MD, 20815 202-434-2277
Allen E. Cromer *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** Berger & DuCharme & Harp, LLP 10 Maxwell Dr. Clifton Park, NY, 12065 518-373-1482
Allen G. Sweet *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Arthur J. Kaszubski *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)

Bruce E. Palmatier *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Bruce E. Vedder *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Carl T. Woodman *Amicus Curiae*	**John B. DuCharme Esq.** (See above)
Christine A. Palmer *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Clifford B. Meacham *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Clifford J. Levendusky *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
David J. Kopmeyer *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
David W. Townsend *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Deborah L. Bush *Amicus Curiae*	**John B. DuCharme Esq.** (See above)

Frank A. Paxton *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Henry Bielawski *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Hildreth E. Simmons *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
James R. Quinn *Amicus Curiae*	**John B. DuCharme Esq.** (See above)
James S. Chambers *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Janice M. Polsinelle *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
John K. Stannard *Defendant-Appellant-Cross-Appellee*	**John B. DuCharme Esq.** (See above)
Neil R. Pareene *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)

Paul M. Gundersen *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Raymond E. Adams *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Ronald G. Butler *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Teofils F. Turlais *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
Thedrick L. Eighmie *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Wallace Arnold *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
William C. Reynheer *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)
William F. Chabot *Consolidated-Plaintiff-Appellee*	**John B. DuCharme Esq.** (See above)

John J. Freeh *Defendant-Appellant-Cross-Appellee*	**John E. Higgins Esq.** Blank Rome, LLP 30 S. Pearl St. Albany, NY, 12207 518-427-2650
Knolls Atomic Power *Defendant-Appellant-Cross-Appellee*	**John E. Higgins Esq.** (See above)
Lockheed Martin *Defendant-Appellant-Cross-Appellee*	**John E. Higgins Esq.** (See above)
AARP *Amicus Curiae*	**Laurie A. McCann Esq.** AARP Foundation Litigation 601 E. Street, NW Washington, DC, 20049 202-434-2060
AARP Foundation Litigation	*Laurie A. McCann Esq.* (See above)
John J. Freeh *Defendant-Appellant-Cross-Appellee*	**Margaret A. Clemens Esq.** Blank Rome, LLP Clinton Square Rochester, NY, 14603 585-263-1453

Knolls Atomic Power *Defendant-Appellant-Cross-Appellee*	**Margaret A. Clemens Esq.** (See above)
Lockheed Martin *Defendant-Appellant-Cross-Appellee*	**Margaret A. Clemens Esq.** (See above)
Chamber of Commerce *Amicus Curiae*	**Mark S. Dichter Esq.** Morgan Lewis & Bockius 1701 Market St. Philadelphia, PA, 19103 215-963-5291

4/8/02	Copy of district court second amended judgment dated 3/28/02 endorsed by Hon. David R. Homer, USMJ RECEIVED. [02-7378] [Entry date Apr 18 2002] [DT]
1/8/03	Appellant-Cross-Appellee Knolls Atomic Power in 02-7378, Appellant-Cross-Appellee Lockheed Martin in 02-7378, Appellant-Cross-Appellee John J. Freeh in 02-7378 brief FILED with proof of service. [Entry date Jan 14 2003] [DT]
1/8/03	Appellant-Cross-Appellee Knolls Atomic Power in 02-7378, Appellant-Cross-Appellee Lockheed Martin in 02-7378, Appellant-Cross-Appellee John J. Freeh in 02-7378 joint appendix filed w/pfs. Number of volumes: 5. [Entry date Jan 14 2003] [DT]

1/8/03 Appellant-Cross-Appellee Knolls Atomic Power in 02-7378, Appellant-Cross-Appellee Lockheed Martin in 02-7378, Appellant-Cross-Appellee John J. Freeh in 02-7378 exhibits filed with proof of service. Number of volumes: 1. [Entry date Jan 14 2003] [DT]

1/8/03 Appellants Exhibit Trial Transcripts filed. Volumes: 12. [Entry date Jan 14 2003] [DT]

1/17/03 Amicus Curiae Chamber of Commerce in 02-7378 brief filed with proof of service. [Entry date Jan 22 2003] [DT]

2/6/03 Appellee-Cross-Appellant Clifford B. Meacham in 02-7378, Appellee-Cross-Appellant Thedrick L. Eighmie in 02-7378, Appellee-Cross-Appellant Allen G. Sweet in 02-7378 Appellee-Cross-Appellant James R. Quinn in 02-7378, Appellee-Cross-Appellant Deborah L. Bush in 02-7378, Appellee Hildreth E. Simmons in 02-7378, Appellee-Cross-Appellant Raymond E. Adams in 02-7378, Appellee-Cross-Appellant Wallace Arnold in 02-7378, Appellee Henry Bielawski in 02-7378, Appellee Ronald G. Butler in 02-7378, Appellee-Cross-Appellant William F. Chabot in 02-7378, Appellee James S. Chambers in 02-7378, Appellee-Cross-Appellant Allen E. Cromer in 02-7378, Appellee-Cross-Appellant Paul M. Gundersen in 02-7378, Appellee Arthur J.

Kaszubski in 02-7378, Appellee David J. Kopmeyer in 02-7378, Appellee-Cross-Appellant Clifford J. Levendusky in 02-7378, Appellee-Cross-Appellant Bruce E. Palmatier in 02-7378, Appellee Christine A. Palmer in 02-7378, Appellee-Cross-Appellant Neil R. Pareene in 02-7378, Appellee Frank A. Paxton in 02-7378, Appellee Janice M. Polsinelle in 02-7378, Appellee-Cross-Appellant William C. Reynheer in 02-7378, Appellee-Cross-Appellant John K. Stannard in 02-7378, Appellee-Cross-Appellant David W. Townsend in 02-7378, Appellee Teofils F. Turlais in 02-7378, Appellee Bruce E. Vedder in 02-7378, Appellee-Cross-Appellant Carl T. Woodman in 02-7378 brief filed with proof of service. [Entry date Feb 20 2003] [DT]

2/14/03 Amicus Curiae Nat'l Employment in 02-7378 brief filed with proof of service. [Entry date Feb 20 2003] [DT]

2/18/03 Appellant-Cross-Appellee Knolls Atomic Power in 02-7378, Appellant-Cross-Appellee Lockheed Martin in 02-7378, Appellant-Cross-Appellee John J. Freeh in 02-7378 reply brief filed with proof of service. [Entry date Feb 20 2003] [DT]

2/21/03 Amicus Curiae AARP in 02-7378 brief filed with proof of service. [Entry date Feb 28 2003] [DT]

2/25/03 Amicus Curiae EEOC in 02-7378 brief filed with proof of service. [Entry date Mar 5 2003] [DT]

3/4/03 Appellee-Cross-Appellant Clifford B. Meacham in 02-7378, Appellee-Cross-Appellant Thedrick L. Eighmie in 02-7378, Appellee-Cross-Appellant Allen G. Sweet in 02-7378, Appellee-Cross-Appellant James R. Quinn in 02-7378, Appellee-Cross-Appellant Deborah L. Bush in 02-7378, Appellee Hildreth E. Simmons in 02-7378, Appellee-Cross-Appellant Raymond E. Adams in 02-7378, Appellee-Cross-Appellant Wallace Arnold in 02-7378, Appellee Henry Bielawski in 02-7378, Appellee Ronald G. Butler in 02-7378, Appellee-Cross-Appellant William F. Chabot in 02-7378, Appellee James S. Chambers in 02-7378, Appellee-Cross-Appellant Allen E. Cromer in 02-7378, Appellee-Cross-Appellant Paul M. Gundersen in 02-7378, Appellee Arthur J. Kaszubski in 02-7378, Appellee David J. Kopmeyer in 02-7378, Appellee-Cross-Appellant Clifford J. Levendusky in 02-7378, Appellee-Cross-Appellant Bruce E. Palmatier in 02-7378, Appellee Christine A. Palmer in 02-7378, Appellee-Cross-Appellant Neil R. Pareene in 02-7378, Appellee Frank A. Paxton in 02-7378, Appellee Janice M. Polsinelle in 02-7378, Appellee-Cross-Appellant William C. Reynheer in 02-7378, Appellee-Cross-Appellant John K. Stannard in

02-7378, Appellee-Cross-Appellant David W. Townsend in 02-7378, Appellee Teofils F. Turlais in 02-7378, Appellee Bruce E. Vedder in 02-7378, Appellee-Cross-Appellant Carl T. Woodman in 02-7378 reply brief filed with proof of service. [Entry date Mar 5 2003] [DT]

9/10/03 Case heard before MCLAUGHLIN, JACOBS, POOLER, C.JJ . (TAPE: CD Date: 9/10/03) [Entry date Sep 10 2003] [DT]

9/16/03 Appellant KAPL, Inc. post-argument letter filed. [Entry date Sep 17 2003] [DT]

11/20/03 Appellant-Cross-Appellee Knolls Atomic Power in 02-7378, Appellant-Cross-Appellee Lockheed Martin in 02-7378, Appellant-Cross-Appellee John J. Freeh in 02-7378 28(J) letter received. [Entry date Nov 20 2003] [DT]

4/12/04 Record on appeal after index filed. (10 boxes) [Entry date Apr 12 2004] [VM]

8/23/04 Judgment of the district court is AFFIRMED by published signed opinion filed. (RSP) [Entry date Aug 23 2004] [JC]

8/23/04 Judgment filed. [Entry date Aug 23 2004] [JC]

9/7/04 Appellant Cross-Appellee Knolls Atomic Power, Appellant-Cross-Appellee John Freeh,

Appellant-Cross-Appellee Lockheed Martin motion Petition for rehearing filed with proof of service. petition for rehearing en banc filed with proof of service. [Entry date Sep 8 2004] [JC]

9/17/04 Errata sheet re: filed. [Entry date Sep 22 2004] [JC]

10/15/04 Notice to counsel in re: Order filed 10/15/04 DENYING appellants petition for rehearing [Entry date Oct 15 2004] [JC]

10/15/04 Order FILED DENYING motion petition for rehearing en banc by Appellant-Cross-Appellee Knolls Atomic Power, Appellant-Cross-Appellee John Freeh, Appellant-Cross-Appellee Lockheed Martin, endorsed on motion dated 9/7/2004 [Entry date Oct 15 2004] [JC]

11/1/04 Judgment MANDATE ISSUED. CLOSED [Entry date Nov 1 2004] [JC]

11/12/04 Letter sent to district court recalling mandate as per request of the Supreme Court of the United States. [Entry date Nov 12 2004] [JC]

11/12/04 Mandate receipt returned from the district court. [Entry date Nov 15 2004] [JK]

11/16/04 Certified copy of the order, from the Supreme Court recalling the mandate, issued

to the district court. [Entry date Nov 16 2004] [JC]

11/22/04 Certified copy of Supreme Court order dated 11/10/04 RECIEVED [Entry date Nov 24 2004] [JC]

12/1/04 Acco received in records room from team. [Entry date Dec 1 2004] [EM]

1/26/05 Notice of filing petition for APPELLANT-CROSS-APPELLEE Knolls Atomic Power, Lockheed Martin, John Freeh, dated 1/14/05 filed. Supreme Court #: 04-955. [Entry date Jan 27 2005] [JC]

4/11/05 Writ of Certiorari GRANTED [Entry date Apr 12 2005] [JC]

5/10/05 Supreme Court opinion filed. [Entry date May 10 2005] [JC]

5/10/05 Supreme Court judgment filed. [Entry date May 10 2005] [JC]

5/25/05 Order filed stating:
"The Court is directing the parties and allowing amici to file opening briefs not exceeding twenty-five pages that address the impact of Smith v. City of Jackson, 125 S. Ct. 1536 (2005) on our now vacated judgment in favor of plaintiffs within twenty days of the date of the order. The briefs should address the following issues:

(1) Whether Smith impacts our ruling under the ADEA;
(2) Whether Smith impacts our ruling under New York law;
(3) Whether our New York law ruling independently disposed of KAPL's appeal. Should the parties or amici choose to file reply briefs, they may not exceed ten pages and must be filed within ten days of filing of the last of the opening briefs. FOR THE COURT, RBMacKechnie, Clerk of Court." [Entry date May 25 2005] [PC]

6/14/05 APPELLANT-CROSS-APPELLEE Knolls Atomic Power, Lockheed Martin, John Freeh, brief FILED with proof of service. [Entry date Jun 15 2005] [JC]

6/14/05 missing page for appellants brief from APPELLANT-CROSS-APPELLEE Knolls Atomic Power, Lockheed Martin, John Freeh, received. [Entry date Jun 15 2005] [JC]

6/14/05 APPELLEE Arthur Kaszubski, Bruce Vedder, Christine Palmer, David Kopmeyer, ET AL; APPELLEE-CROSS-APPELLANT Allen Cromer, Allen Sweet, Bruce Palmatier, ET AL , brief filed with proof of service. [Entry date Jun 22 2005] [JC]

6/15/05 AMICUS CURIAE EEOC, brief filed with proof of service. [Entry date Jun 16 2005] [JC]

6/15/05 AMICUS CURIAE AARP Foundation Litigation, brief filed with proof of service. [Entry date Jun 16 2005] [JC]

6/17/05 APPELLANT-CROSS-APPELLEE Knolls Atomic Power, Lockheed Martin, John Freeh, corrected brief filed with proof of service. [Entry date Jun 28 2005] [JC]

6/27/05 APPELLEE Arthur Kaszubski, Bruce Vedder, Christine Palmer, David Kopmeyer, ET AL; APPELLEE-CROSS-APPELLANT Allen Cromer, Allen Sweet, Bruce Palmatier, ET AL , reply brief filed with proof of service. [Entry date Jun 28 2005] [JC]

6/28/05 APPELLANT-CROSS-APPELLEE Knolls Atomic Power, Lockheed Martin, John Freeh, reply brief filed with proof of service. [Entry date Jun 30 2005] [JC]

6/28/05 Case submitted before MCLAUGHLIN, JACOBS, POOLER, C.JJ. [Entry date Aug 14 2006] [AV]

8/15/05 APPELLANT-CROSS-APPELLEE Knolls Atomic Power, Lockheed Martin, John Freeh, 28(J) letter received. [Entry date Aug 15 2005] [JC]

8/19/05 Letter received from John B. DuCharme, dated 8/15/05, in response to appellees 28(J) letter filed 8/15/05 [Entry date Aug 23 2005] [JC]

9/2/05 APPELLEE Arthur Kaszubski, Bruce Vedder, Christine Palmer, David Kopmeyer, ET AL; APPELLEE-CROSS-APPELLANT Allen Cromer, Allen Sweet, Bruce Palmatier, ET AL , 28(J) letter received. [Entry date Sep 7 2005] [JC]

9/6/05 Letter received from Margaret A. Clemens, dated 9/2/05 in response to the decision by the New York State Supreme Court. [Entry date Sep 7 2005] [JC]

9/12/05 Letter received by John B. DuCharme, dated 9/6/05, in response to Margaret Clemens letter dated 9/2/05 [Entry date Sep 13 2005] [JC]

12/21/05 APPELLANT-CROSS-APPELLEE Knolls Atomic Power, Lockheed Martin, John Freeh, 28(J) letter received. [Entry date Dec 22 2005] [JC]

2/23/06 APPELLEE Arthur Kaszubski, Bruce Vedder, Christine Palmer, David Kopmeyer, ET AL; APPELLEE-CROSS-APPELLANT Allen Cromer, Allen Sweet, Bruce Palmatier, ET AL , 28(J) letter received. [Entry date Feb 24 2006] [JC]

2/28/06 APPELLANT-CROSS-APPELLEE Knolls Atomic Power, Lockheed Martin, John Freeh, 28(J) letter received. [Entry date Feb 28 2006] [JC]

3/3/06	APPELLEE Arthur Kaszubski, Bruce Vedder, Christine Palmer, David Kopmeyer, ET AL; APPELLEE-CROSS-APPELLANT Allen Cromer, Allen Sweet, Bruce Palmatier, ET AL , 28(J) letter received. [Entry date Mar 6 2006] [JC]
3/8/06	Letter received from Margaret A. Clemens, dated 3/7/06, in response to appellees 28(j) letter filed 3/3/06 [Entry date Mar 9 2006] [JC]
3/14/06	APPELLEE Arthur Kaszubski, Bruce Vedder, Christine Palmer, David Kopmeyer, ET AL; APPELLEE-CROSS-APPELLANT Allen Cromer, Allen Sweet, Bruce Palmatier, ET AL , 28(J) letter received. [Entry date Mar 15 2006] [JC]
3/31/06	APPELLEE Arthur Kaszubski, Bruce Vedder, Christine Palmer, David Kopmeyer, ET AL; APPELLEE-CROSS-APPELLANT Allen Cromer, Allen Sweet, Bruce Palmatier, ET AL , 28(J) letter received. [Entry date Apr 3 2006] [JC]
4/20/06	Letter received from John B. DuCharme, dated 4/20/06, in re: copies of letter filed previously in this appeal [Entry date Apr 21 2006] [JC]
8/14/06	Judgment of the district court is VACATED & REMANDED by published signed opinion filed.

(DJ) [Entry date Aug 18 2006] [JC]

8/14/06 Judgment filed. [Entry date Aug 14 2006] [JC]

8/14/06 Notice to counsel in re: Judgment filed 8/10/06 [Entry date Aug 14 2006] [JC]

8/14/06 Judge Pooler dissents in a separate opinion, filed. [Entry date Aug 14 2006] [JC]

8/21/06 Appellee-Cross-Appellant Clifford Meacham, Appellee-Cross-Appellant Thedrick Eighmie, Appellee-Cross-Appellant Allen Sweet, et al motion extended time to file petition for rehearing filed with proof of service. [Entry date Aug 22 2006] [JC]

8/25/06 Order FILED GRANTING motion extended time by Appellee-Cross-Appellant Clifford Meacham, Appellee-Cross-Appellant Thedrick Eighmie, Appellee-Cross-Appellant Allen Sweet, Appellee-Cross-Appellant James Quinn, Appellee-Cross-Appellant Deborah Bush, Appellee Hildreth Simmons, Appellee-Cross-Appellant Raymond Adams, Appellee-Cross-Appellant Wallace Arnold, Appellee Henry Bielawski, Appellee Ronald Butler, Appellee-Cross-Appellant William Chabot, Appellee James Chambers, Appellee-Cross-Appellant Allen Cromer, Appellee-Cross-Appellant Paul Gundersen, Appellee Arthur Kaszubski, Appellee David Kopmeyer, Appellee-Cross-Appellant Clifford

Levendusky, Appellee-Cross-Appellant Bruce Palmatier, Appellee Christine Palmer, Appellee-Cross-Appellant Neil Pareene, Appellee Frank Paxton, Appellee Janice Polsinelle, Appellee-Cross-Appellant William Reynheer, Appellant-Cross-Appellee John Stannard, Appellee-Cross-Appellant David Townsend, Appellee Teofils Turlais, Appellee Bruce Vedder, Appellee-Cross-Appellant Carl Woodman, endorsed on motion dated 8/21/2006. IT IS HEREBY ORDERED that the motion for 21-day extension of time to file a petition for rehearing en banc until September 18, 2006 is GRANTED. [Entry date Aug 28 2006] [JC]

9/18/06 AMICUS CURIAE AARP, AARP Foundation Litigation, brief filed with proof of service. [Entry date Sep 22 2006] [JC]

9/18/06 Amicus Curiae AARP Foundation Litigation, Amicus Curiae AARP motion file brief as amicus curiae filed with proof of service. [Entry date Sep 19 2006] [JC]

9/18/06 Appellee-Cross-Appellant Clifford Meacham, Appellee-Cross-Appellant Thedrick Eighmie, Appellee-Cross-Appellant Allen Sweet, et al Petition for rehearing filed with proof of service. petition for rehearing en banc filed with proof of service. [Entry date Sep 19 2006] [JC]

9/21/06 Appellants-cross-appellees response in opposition to petition for rehearing en banc filed with proof of service. [Entry date Sep 22 2006] [JC]

9/21/06 Order FILED GRANTING motion file brief as amicus curiae by Amicus Curiae AARP Foundation Litigation, Amicus Curiae AARP, endorsed on motion dated 9/18/2006. Before: Hon. JmcL, Hon. DJ, Hon. RSP. Endorsed by TWY [Entry date Sep 22 2006] [JC]

9/26/06 Errata sheet re: filed.. [Entry date Sep 27 2006] [JC]

1/8/07 Order FILED DENYING motion petition for rehearing en banc by Appellee-Cross-Appellant Clifford Meacham, Appellee-Cross-Appellant Thedrick Eighmie, Appellee-Cross-Appellant Allen Sweet, Appellee-Cross-Appellant James Quinn, Appellee-Cross-Appellant Deborah Bush, Appellee Hildreth Simmons, Appellee-Cross-Appellant Raymond Adams, Appellee-Cross-Appellant Wallace Arnold, Appellee Henry Bielawski, Appellee Ronald Butler, Appellee-Cross-Appellant William Chabot, Appellee James Chambers, Appellee-Cross-Appellant Allen Cromer, Appellee-Cross-Appellant Paul Gundersen, Appellee Arthur Kaszubski, Appellee David Kopmeyer, Appellee-Cross-Appellant Clifford Levendusky, Appellee-Cross-Appellant Bruce

Palmatier, Appellee Christine Palmer, Appellee-Cross-Appellant Neil Pareene, Appellee Frank Paxton, Appellee Janice Polsinelle, Appellee-Cross-Appellant William Reynheer, Appellant-Cross-Appellee John Stannard, Appellee-Cross-Appellant David Townsend, Appellee Teofils Turlais, Appellee Bruce Vedder, Appellee-Cross-Appellant Carl Woodman, endorsed on motion dated 9/18/2006 [Entry date Jan 9 2007] [JC]

1/18/07 Judgment MANDATE ISSUED. CLOSED [Entry date Jan 18 2007] [JC]

1/22/07 Acco received in records room from team. duplicate [Entry date Jan 22 2007] [NS]

2/1/07 Mandate receipt returned from the district court. [Entry date Feb 1 2007] [DR]

5/18/07 Notice of filing petition for APPELLANT-CROSS-APPELLEE John Stannard APPELLEE Arthur Kaszubski, Bruce Vedder, Christine Palmer, ET AL; APPELLEE-CROSS-APPELLANT Allen Cromer, Allen Sweet, Bruce Palmatier, ET AL , dated 5/15/07 filed. Supreme Court #: 06-1505. [Entry date May 21 2007] [JC]

1/28/08 Letter dated mm/dd/yy from the Supreme Court advising of order GRANTING petition for writ of certiorari by FILERS , filed. (Supreme Court # 06-1505) [Entry date Feb

11 2008] [KR]

1/28/08 Writ of Certiorari GRANTED. [Entry date Feb 11 2008] [KR]

1/28/08 Notice of Reinstatement due to the granting of the Supreme Court Writ of Certiorari received in this court 1/28/08, FILED. Reinstatement Code: M [Entry date Feb 25 2008] [KR]

2/5/08 Letter received from Supreme Court of the United States requesting USCA to transmit the entire record to their office. [Entry date Feb 6 2008] [AM]

2/25/08 Letter sent to district court recalling mandate due to the granting of the Supreme Court Writ of Certiorari received in this court 1/28/08. [Entry date Feb 25 2008] [KR]

2/25/08 Acco transmitted to the Supreme Court. [Entry date Feb 25 2008] [KR]

APPENDIX C

U.S. Court of Appeals for the Second Circuit

Court of Appeals Docket #: 02-7474-cv

Nsuit : 3442 CIVIL RIGHTS-Jobs

Meacham v. Knolls Atomic Power Filed 4/30/02

Appeal from: NDNY (ALBANY)

Case type information:

Lower court information:

District:	97-cv-12
Trial Judge:	
MagJudge:	David R. Homer
Date Filed:	01/06/97
Date order/judgement:	3/28/2002
Date NOA filed:	4/3/2002

Fee status: Paid

Panel Assignment: JMcL DJ RSP

Date of decision:

Prior cases: NONE

Current cases NONE

Allen E. Cromer *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** Berger & DuCharme & Harp, LLP 1023 Rt. 146 Clifton Park , NY , 12065 518-373-1482
Allen G. Sweet *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Bruce E. Palmatier *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Carl T. Woodman *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Clifford B. Meacham *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Clifford J. Levendusky *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
David W. Townsend *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)

Deborah L. Bush *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
James R. Quinn *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
John K. Stannard *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Neil R. Pareene *Defendant-Appellant-Cross-Appellee*	**John B. DuCharme Esq.** (See above)
Paul M. Gundersen *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Raymond E. Adams	**John B. DuCharme Esq.** (See above)
Thedrick L. Eighmie *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
Wallace Arnold *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)

William C. Reynheer *Plaintiff-Appellee-Cross*	**John B. DuCharme Esq.** (See above)
William F. Chabot *Defendant-Appellant-Cross-Appellee*	**John B. DuCharme Esq.** (See above)
John J. Freeh *Defendant-Appellant-Cross-Appellee*	**John E. Higgins Esq.** Blank Rome, LLP 30 S. Pearl St. Albany , NY , 12207 518-427-2650
Knolls Atomic Power *Defendant-Appellant-Cross-Appellee*	**John E. Higgins Esq.** (See above)
Lockheed Martin *Defendant-Appellant-Cross-Appellee*	**John E. Higgins Esq.** (See above)

4/30/02 Copy of notice of appeal and district court docket entries on behalf of Appellee-Cross-Appellant Clifford B. Meacham in 02-7474, Appellee-Cross-Appellant Thedrick L. Eighmie in 02-7474, Appellee-Cross-Appellant Allen G. Sweet in 02-7474, Appellee-Cross-Appellant James R. Quinn in 02-7474, Appellee-Cross-Appellant Deborah L. Bush in 02-7474, Appellee-Cross-Appellant Raymond E. Adams in

02-7474, Appellee-Cross-Appellant Wallace Arnold in 02-7474, Appellee-Cross-Appellant William F. Chabot in 02-7474, Appellee-Cross-Appellant Allen E. Cromer in 02-7474, Appellee-Cross-Appellant Paul M. Gundersen in 02-7474, Appellee-Cross-Appellant Clifford J. Levendusky in 02-7474, Appellee-Cross-Appellant Bruce E. Palmatier in 02-7474, Appellee-Cross-Appellant Neil R. Pareene in 02-7474, Appellee-Cross-Appellant William C. Reynheer in 02-7474, Appellee-Cross-Appellant John K. Stannard in 02-7474, Appellee-Cross-Appellant David W. Townsend in 02-7474, Appellee-Cross-Appellant Carl T. Woodman in 02-7474 filed. [02-7474] Form C due on 5/6/02. Form D due on 5/6/02. Fee paid, $105. 00. Receipt No. 62403. [Entry date May 6 2002] [DT]

4/30/02 FOR A LIST OF COMPLETE DOCKET ENTRIES PLEASE SEE THE LEAD APPEAL, DOCKET NUMBER: 02-7378. [Entry date May 6 2002] [DT]

5/3/02 Appellee-Cross-Appellant Clifford B. Meacham in 02-7474, Appellee-Cross-Appellant Thedrick L. Eighmie in 02-7474, Appellee-Cross-Appellant Allen G. Sweet in 02-7474, Appellee-Cross-Appellant James R. Quinn in 02-7474, Appellee-Cross-Appellant Deborah L. Bush in 02-7474, Appellee-Cross-Appellant Raymond E. Adams in

02-7474, Appellee-Cross-Appellant Wallace Arnold in 02-7474, Appellee-Cross-Appellant William F. Chabot in 02-7474, Appellee-Cross-Appellant Allen E. Cromer in 02-7474, Appellee-Cross-Appellant Paul M. Gundersen in 02-7474, Appellee-Cross-Appellant Clifford J. Levendusky in 02-7474, Appellee-Cross-Appellant Bruce E. Palmatier in 02-7474, Appellee-Cross-Appellant Neil R. Pareene in 02-7474, Appellee-Cross-Appellant William C. Reynheer in 02-7474, Appellee-Cross-Appellant John K. Stannard in 02-7474, Appellee-Cross-Appellant David W. Townsend in 02-7474, Appellee-Cross-Appellant Carl T. Woodman in 02-7474, Appellant-Cross-Appellee Knolls Atomic Power in 02-7474, Appellant-Cross-Appellee Lockheed Martin in 02-7474, Appellant-Cross-Appellee John J. Freeh in 02-7474 Form C filed, with proof of service. [02-7474] Form C deadline satisfied. [Entry date May 8 2002] [DT]

5/3/02 Appellee-Cross-Appellant Clifford B. Meacham in 02-7474, Appellee-Cross-Appellant Thedrick L. Eighmic in 02-7474, Appellee-Cross-Appellant Allen G. Sweet in 02-7474, Appellee-Cross-Appellant James R. Quinn in 02-7474, Appellee-Cross-Appellant Deborah L. Bush in 02-7474, Appellee-Cross-Appellant Raymond E. Adams in 02-7474, Appellee-Cross-Appellant Wallace Arnold in 02-7474, Appellee-Cross-Appellant

William F. Chabot in 02-7474, Appellee-Cross-Appellant Allen E. Cromer in 02-7474, Appellee-Cross-Appellant Paul M. Gundersen in 02-7474, Appellee-Cross-Appellant Clifford J. Levendusky in 02-7474, Appellee-Cross-Appellant Bruce E. Palmatier in 02-7474, Appellee-Cross-Appellant Neil R. Pareene in 02-7474, Appellee-Cross-Appellant William C. Reynheer in 02-7474, Appellee-Cross-Appellant John K. Stannard in 02-7474, Appellee-Cross-Appellant David W. Townsend in 02-7474, Appellee-Cross-Appellant Carl T. Woodman in 02-7474, Appellant-Cross-Appellee Knolls Atomic Power in 02-7474, Appellant-Cross-Appellee Lockheed Martin in 02-7474, Appellant-Cross-Appellee John J. Freeh in 02-7474 Form D filed, with proof of service. [02-7474] Form D deadline satisfied. [Entry date May 8 2002] [DT]

9/10/03 Case heard before MCLAUGHLIN, JACOBS, POOL
C.JJ . (TAPE: CD Date: 9/10/03)
[Entry date Sep 10 2003] [DT]

8/23/04 Judgment of the district court is AFFIRMED by published signed opinion filed. (RSP)
[Entry date Aug 23 2004] [JC]

8/23/04 Judgment filed. [Entry date Aug 23 2004] [JC]

11/1/04 Judgment MANDATE ISSUED. CLOSED

[Entry date Nov 1 2004] [JC]

6/28/05 Case submitted before. MCLAUGHLIN, JACOBS, POOLER, C.JJ. [Entry date Sep 11 2006] [AV]

8/14/06 Judgment of the district court is VACATED & REMANDED by published signed opinion filed. (DJ) [Entry date Aug 18 2006] [JC]

8/14/06 Judgment filed. [Entry date Aug 18 2006] [JC]

1/18/07 Judgment MANDATE ISSUED. CLOSED [Entry date Jan 18 2007] [JC]

APPENDIX D

97-CV-12
Special Verdict Form
Meacham v. Knolls

Disparate Treatment
Mixed Motives

1. As to each plaintiff, do you find that the plaintiffs have proven that in selecting the plaintiffs for termination of their employment in the reduction-in-force, the defendant you are considering was motivated by the age of the plaintiff?

[answer on next page]

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
Clifford B. Meacham		X		X		X
Thedrick L. Eighmie		X		X		X
Allen G. Sweet		X		X		X
James R. Quinn		X		X		X
Deborah L. Bush		X		X		X
Hildreth E. Simmons, Jr.		X		X		X

BEST AVAILABLE COPY

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
Raymond E. Adams		X		X		X
Wallace Arnold		X		X		X
Henry Bielawski		X		X		X
Ronald G. Butler, Sr.		X		X		X
William R. Chabot		X		X		X
James S. Chambers		X		X		X
Allen E. Cromer		X		X		X
Paul M. Gundersen		X		X		X
Arthur J. Kaszubski		X		X		X
David J. Kopmeyer		X		X		X
Clifford J. Levendusky		X		X		X
Bruce E. Palmatier		X		X		X
Christine A. Palmer		X		X		X
Neil R. Pareene		X		X		X
Frank A. Paxton		X		X		X

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
Janice M. Polsinelle		X		X		X
William C. Reynheer		X		X		X
John K. Stannard		X		X		X
David W. Townsend		X		X		X
Teofils F. Turiais		X		X		X
Bruce E. Vedder		X		X		X
Carl T. Woodman		X		X		X

If you answered "No" to question 1 as to all plaintiffs for all defendants, proceed to question 4. If you answered "Yes" to question 1 as to any plaintiff and any defendant, proceed to question 2 as to any plaintiff(s) and defendant(s) for whom you answered "Yes" in question 1.

2. As to any plaintiff for whom you answered "Yes" in question 1, do you find that a defendant for whom you answered "Yes" in question 1 has proven that the plaintiff would still have been selected for termination of his or her employment in the reduction-in-force even without considering the age of that plaintiff?

[answer on next page]

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
Clifford B. Meacham						
Thedrick L. Eighmie						
Allen G. Sweet						
James R. Quinn						
Deborah L. Bush						
Hildreth E. Simmons, Jr.						
Raymond E. Adams						
Wallace Arnold						
Henry Bielawski						

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
Ronald G. Butler, Sr.						
William R. Chabot						
James S. Chambers						
Allen E. Cromer						
Paul M. Gundersen						
Arthur J. Kaszubski						
David J. Kopmeyer						
Clifford J. Levendusky						
Bruce E. Palmatier						
Christine A. Palmer						
Neil R. Pareene						
Frank A. Paxton						
Janice M. Polsinelle						
William C. Reynheer						
John K. Stannard						

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
David W. Townsend						
Teofils F. Turiais						
Bruce E. Vedder						
Carl T. Woodman						

If you answered "No" for Knolls Atomic, Lockheed Martin, or both as to any plaintiff in question 2, you must answer the following question:

3. Do you find that the plaintiffs have proven that in discriminating on the basis of age, such defendant acted willfully as to any plaintiff for whom you answered "No" in question 2?

[answer on next page]

	Knolls Atomic		Lockheed Martin	
Plaintiff	Yes	No	Yes	No
Clifford B. Meacham				
Thedrick L. Eighmie				
Allen G. Sweet				
James R. Quinn				
Deborah L. Bush				

	Knolls Atomic		Lockheed Martin	
Plaintiff	Yes	No	Yes	No
Hildreth E. Simmons, Jr.				
Raymond E. Adams				
Wallace Arnold				
Henry Bielawski				
Ronald G. Butler, Sr.				
William R. Chabot				
James S. Chambers				
Allen E. Cromer				
Paul M. Gundersen				
Arthur J. Kaszubski				
David J. Kopmeyer				
Clifford J. Levendusky				
Bruce E. Palmatier				
Christine A. Palmer				
Neil R. Pareene				
Frank A. Paxton				
Janice M. Polsinelle				
William C. Reynheer				
John K. Stannard				
David W. Townsend				
Teofils F. Turiais				
Bruce E. Vedder				
Carl T. Woodman				

Pretext

4. As to each plaintiff, do you find that the plaintiffs have proven that the selection of the plaintiff for termination of his or her employment in the reduction-in-force was motivated by the age of that plaintiff?

[answer on the next page]

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
Clifford B. Meacham		X		X		X
Thedrick L. Eighmie		X		X		X
Allen G. Sweet		X		X		X
James R. Quinn		X		X		X
Deborah L. Bush		X		X		X
Hildreth E. Simmons, Jr.		X		X		X
Raymond E. Adams		X		X		X
Wallace Arnold		X		X		X
Henry Bielawski		X		X		X
Ronald G. Butler, Sr.		X		X		X

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
William R. Chabot		X		X		X
James S. Chambers		X		X		X
Allen E. Cromer		X		X		X
Paul M. Gundersen		X		X		X
Arthur J. Kaszubski		X		X		X
David J. Kopmeyer		X		X		X
Clifford J. Levendusky		X		X		X
Bruce E. Palmatier		X		X		X
Christine A. Palmer		X		X		X
Neil R. Pareene		X		X		X
Frank A. Paxton		X		X		X
Janice M. Polsinelle		X		X		X
William C. Reynheer		X		X		X
John K. Stannard		X		X		X
David W. Townsend		X		X		X

	Knolls Atomic		Lockheed Martin		John J. Freeh	
Plaintiff	Yes	No	Yes	No	Yes	No
Teofils F. Turiais		X		X		X
Bruce E. Vedder		X		X		X
Carl T. Woodman		X		X		X

If you answered "Yes" for Knolls Atomic, Lockheed Martin, or both as to any plaintiff in question 4, you must answer the following question:

5. Do you find that the plaintiffs have proven that in discriminating on the basis of age, such defendant acted willfully as to any plaintiff for whom you answered "Yes" in question 4?

[answer on next page]

	Knolls Atomic		Lockheed Martin	
Plaintiff	Yes	No	Yes	No
Clifford B. Meacham				
Thedrick L. Eighmie				
Allen G. Sweet				
James R. Quinn				
Deborah L. Bush				
Hildreth E. Simmons, Jr.				
Raymond E. Adams				

	Knolls Atomic		Lockheed Martin	
Plaintiff	Yes	No	Yes	No
Wallace Arnold				
Henry Bielawski				
Ronald G. Butler, Sr.				
William R. Chabot				
James S. Chambers				
Allen E. Cromer				
Paul M. Gundersen				
Arthur J. Kaszubski				
David J. Kopmeyer				
Clifford J. Levendusky				
Bruce E. Palmatier				
Christine A. Palmer				
Neil R. Pareene				
Frank A. Paxton				
Janice M. Polsinelle				
William C. Reynheer				
John K. Stannard				
David W. Townsend				
Teofils F. Turiais				
Bruce E. Vedder				
Carl T. Woodman				

Disparate Impact

6. As to the twenty-six plaintiffs who were employed in exempt positions, do you find that the plaintiffs have proven that a specific employment practice of the defendants listed below, although non-discriminatory on its face, had an adverse impact on the plaintiffs because of their age?

Knolls Atomic Power Laboratory, Inc.	X YES __NO
Lockheed Martin, Inc.	X YES __NO
John J. Freeh	X YES __NO

If you answered "No" to question 6 as to all defendants, proceed no further and your verdict is complete. If you answered "Yes" to question 6 as to any defendant, proceed to question 7 as to any defendant for whom you answered "Yes" in question 6.

7. As to the twenty-six plaintiffs who were employed in exempt positions, do you find that any defendant for whom you answered "Yes" in question 6 has articulated a business justification for selecting the plaintiffs for termination of their employment in the reduction-in-force?

Knolls Atomic Power Laboratory, Inc.	__YES X NO
Lockheed Martin, Inc.	__YES X NO
John J. Freeh	__YES X NO

Proceed to question 9 for defendant Knolls Atomic, Lockheed Martin, or both if answered [sic] "No" as to them in question 7. If you

answered "Yes" to question 7 as to any defendant, proceed to question 8 as to any defendant for whom you answered "Yes" in question 7.

8. As to the twenty-six plaintiffs who were employed in exempt positions, do you find that the plaintiffs have proven that an alternative practice would have been equally effective in achieving the defendants' legitimate employment goals as the method actually followed by the defendants?

Knolls Atomic Power Laboratory, Inc.	X YES	NO
Lockheed Martin, Inc.	X YES	NO
John J. Freeh	X YES	NO

If you answered "No" to question 8 as to all defendants, proceed no further and your verdict is complete. If you answered "Yes" to question 8 as to defendants Knolls Atomic, Lockheed Martin, or both, proceed to question 9 as to either defendant for whom you answered "Yes" in question 8.

9. Do you find that the plaintiffs have proven that in discriminating on the basis of age, the defendant acted willfully?

Knolls Atomic Power Laboratory, Inc.	X YES	NO
Lockheed Martin, Inc.	X YES	NO

Date: 7/26/00
Time: 12:56 P.M.

/s/
Jury Foreperson

APPENDIX E

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

CLIFFORD B. MEACHAM, THEDRICK L. EIGHME, and ALLEN G. SWEET, all individually, and on behalf of all other persons similarly situated, and

JAMES R. QUINN, PhD.; DEBORAH L. BUSH; HILDRETH E. SIMMONS, JR.; RAYMOND E. ADAMS; WALLACE ARNOLD; HENRY BIELAWSKI; RONALD G. BUTLER, SR.; WILLIAM F. CHABOT; HAMES S. CHAMBERS; ALLEN E. CROMER; PAUL M. GUNDERSEN; ARTHUR J. KASZUBSKI; DAVID J. KOPMEYER; CLIFFORD J. LEVENDUSKY; BRUCE E. PALMATIER; CHRISTINE A. PALMER; NEIL R. PAREENE; FRANK A. PAXTON; JANICE M. POLSINELLE; WILLIAM C. REYNHEER; JOHN K. STANNARD; DAVID W. TOWNSEND; TEOFILS F. TURLAIS; BRUCE E. VEDDER; and CARL T. WOODMAN,

Plaintiffs,

THIRD AMENDED JUDGMENT

Civil Action No.: 97-CV-0012 (DRH) (Lead Case)

v.

KAPL, INC.; and LOCKHEED MARTIN CORPORATION; and JOHN J. FREEH, both individually, and as an employee of KAPL, and Lockheed Martin,

Defendants.

JAMES R. QUINN, PhD.,

Plaintiff,

v.

KAPL, INC.; and LOCKHEED MARTIN CORPORATION; and JOHN J. FREEH, both individually, and as an employee of KAPL, and Lockheed Martin

Defendants.

No. 97-CV-45 (DRH) (Member Case)

DAVID R. HOMER
U.S. MAGISTRATE JUDGE

THIRD AMENDED JUDGMENT

The trial of the above captioned consolidated actions before a jury concluded on November 22, 2000, with the return of the final verdict. Based on the verdicts a judgment was filed on December 5, 2000, and an amended judgment was filed on December 11, 2000. Subsequently, post-trial motions were filed and decided on February 13, 2002 and May 3, 2002. Based on the verdicts, judgments and the subsequent post-trial motions, it is hereby

ORDERED that;

1. All defendants are granted judgment on all claims as to plaintiffs Ronald Butler Sr., and Janice Polsinelle;

2. All defendants are granted judgment as to all plaintiffs on plaintiffs' disparate treatment theory of age discrimination under the Age Discrimination in Employment Act and the New York Human Rights Law; and

3. The plaintiffs listed below are granted judgment against defendants KAPL, Inc., and Lockheed Martin Corporation on plaintiffs' disparate impact theory of age discrimination under the Age Discrimination in Employment Act and the New York Human Rights Law, and on plaintiffs' claims for liquidated damages based on the finding that KAPL, Inc., and Lockheed Martin Corporation each acted willfully; and the plaintiffs listed below are each awarded judgment for damages against defendants KAPL, Inc., and Lockheed Martin Corporation, jointly and severely [sic], in the total amounts listed below for each plaintiff:

Judgment Plaintiff	**Amount of Judgment**[1]	
Raymond Adams	Back Pay:	$20,911.26

[1] All amounts awarded by the jury for front pay and emotional distress have been reduced to the present values incorporated herein by stipulation of the parties. All amounts of prejudgment interest are calculated on the back pay award through 12/5/00. All amounts of post-judgment interest are calculated on the total award for the period between 12/06/00 and 03/28/02 (the date of the Second Amended Judgment) at the rate of 6.052%, compounded annually.

Judgment Plaintiff	Amount of Judgment[1]	
	Liquidated Damages:	$20,911.26
	Front Pay:	$75.205.91
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$3,656.33
	Post Judgment Interest:	$19,730.70
	TOTAL:	**$265,414.56**
Wallace Arnold	Back Pay:	$172,899.95
	Liquidated Damages:	$172,899.95
	Front Pay:	$62,247.50
	Emotional Distress:	$118,778.41
	Prejudgment Interest:	$30,231.63
	Post Judgment Interest:	$44,736.90
	TOTAL:	**$601,794.34**
Deborah L. Bush	Back Pay:	$32,152.97
	Liquidated Damages:	$32,152.97
	Front Pay:	$70,625.15
	Emotional Distress:	$111,578.41
	Prejudgment Interest:	$5,621.96

Judgment Plaintiff	Amount of Judgment[1]	
	Post Judgment Interest:	$20,248.51
	TOTAL:	**$272,379.97**
William F. Chabot	Back Pay:	$0.00
	Liquidated Damages:	$0.00
	Front Pay:	$0.00
	Emotional Distress:	$119,734.85
	Prejudgment Interest:	$0.00
	Post Judgment Interest:	$9,615.82
	TOTAL:	**$129,350.67**
Allen E. Cromer	Back Pay:	$17,326.06
	Liquidated Damages:	$17,326.06
	Front Pay:	$0.00
	Emotional Distress:	$74,734.85
	Prejudgment Interest:	$3,029.47
	Post Judgment Interest:	$9,028.08
	TOTAL:	**$121,444.52**
Thedrick L. Eighmie	Back Pay:	$25,585.00
	Liquidated	$25,585.00

Judgment Plaintiff	**Amount of Judgment**[1]	
	Damages:	
	Front Pay:	$0.00
	Emotional Distress:	$40,275.00
	Prejudgment Interest:	$4,473.54
	Post Judgment Interest:	$7,703.15
	TOTAL:	**$103,621.69**
Paul M. Gundersen	Back Pay:	$14,820.15
	Liquidated Damages:	$14,820.15
	Front Pay:	$0.00
	Emotional Distress:	$130,578.41
	Prejudgment Interest:	$2,591.31
	Post Judgment Interest:	$13,075.16
	TOTAL:	**$175,885.18**
Clifford J. Levendusky	Back Pay:	$21,461.17
	Liquidated Damages:	$21,461.17
	Front Pay:	$0.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$3,752.49

Judgment Plaintiff	**Amount of Judgment**[1]	
	Post Judgment Interest:	$13,787.09
	TOTAL:	**$185,461.92**
Clifford B. Meacham	Back Pay:	$0.00
	Liquidated Damages:	$0.00
	Front Pay:	$0.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$0.00
	Post Judgment Interest:	$10,038.66
	TOTAL:	**$135,038.66**
Bruce E. Palmatier	Back Pay:	$2,841.28
	Liquidated Damages:	$2,841.28
	Front Pay:	$13,211.05
	Emotional Distress:	$175,000
	Prejudgment Interest:	$496.81
	Post Judgment Interest:	$15,611.36
	TOTAL:	**$210,001.78**
Neil R. Pareene	Back Pay:	$63,050.37
	Liquidated	$63,050.37

Judgment Plaintiff	**Amount of Judgment**[1]	
	Damages:	
	Front Pay:	$0.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$11,024.39
	Post Judgment Interest:	$21,051.08
	TOTAL:	**$283,176.21**
James R. Quinn	Back Pay:	$12,460.52
	Liquidated Damages:	$12,460.52
	Front Pay:	$0.00
	Emotional Distress:	$44,000.00
	Prejudgment Interest:	$2,178.73
	Post Judgment Interest:	$5,709.97
	TOTAL:	**$76,809.74**
William C. Reynheer	Back Pay:	$179,740.17
	Liquidated Damages:	$179,740.17
	Front Pay:	$102,380.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$31,427.66
	Post Judgment	$49,654.28

Judgment Plaintiff	**Amount of Judgment**[1]	
	Interest:	
	TOTAL:	**$667,942.28**
John K. Stannard	Back Pay:	$58,242.97
	Liquidated Damages:	$58,242.97
	Front Pay:	$0.00
	Emotional Distress:	$141,703.46
	Prejudgment Interest:	$10,183.81
	Post Judgment Interest:	$21,552.87
	TOTAL:	**$289,926.08**
Allen G. Sweet	Back Pay:	$0.00
	Liquidated Damages:	$0.00
	Front Pay:	$0.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$0.00
	Post Judgment Interest:	$10,038.66
	TOTAL:	**$135,038.66**
David W. Townsend	Back Pay:	$18,126.82
	Liquidated Damages:	$18,126.82

Judgment Plaintiff	**Amount of Judgment**[1]	
	Front Pay:	$25,121.50
	Emotional Distress:	$175,000.00
	Prejudgment Interest:	$3,169.48
	Post Judgment Interest:	$19,237.66
	TOTAL:	**$258,782.28**
Carl T. Woodman	Back Pay:	$33,920.18
	Liquidated Damages:	$33,920.18
	Front Pay:	$42,344.21
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$5,930.96
	Post Judgment Interest:	$19,363.82
	TOTAL:	**$260,479.35**

4. The plaintiffs listed below are granted judgment against John J. Freeh on plaintiffs' disparate impact theory of age discrimination under the New York Human Rights Law, and the plaintiffs listed below are each awarded judgment for damages against defendant John J. Freeh, jointly and severally, in the total amounts listed below for each plaintiff:

Judgment Plaintiff	**Amount of Judgment**[2]	
Raymond Adams	Back Pay:	$20,911.26
	Front Pay:	$75,205.01
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$3,656.33
	Post Judgment Interest:	$19,730.70
	TOTAL:	**$244,503.30**
Wallace Arnold	Back Pay:	$172,899.95
	Front Pay:	$62,247.50
	Emotional Distress:	$118,778.41
	Prejudgment Interest:	$30,231.63
	Post Judgment Interest:	$44,736.90
	TOTAL:	**$428,894.39**
Deborah L. Bush	Back Pay:	$32,152.97
	Front Pay:	$70,625.15

[2] All amounts awarded by the jury for front pay and emotional distress have been reduced to the present values incorporated herein by stipulation of the parties. All amounts of prejudgment interest are calculated on the back pay award through 12/5/00. All amounts of post-judgment interest are calculated on the total award for the period between 12/06/00 and 03/28/02 (the date of the Second Amended Judgment) at the rate of 6.052%, compounded annually.

Judgment Plaintiff	**Amount of Judgment**[2]	
	Emotional Distress:	$111,578.41
	Prejudgment Interest:	$5,621.96
	Post Judgment Interest:	$20,248.51
	TOTAL:	**$240,227.00**
William F. Chabot	Back Pay:	$0.00
	Front Pay:	$0.00
	Emotional Distress:	$119,734.85
	Prejudgment Interest:	$0.00
	Post Judgment Interest:	$9,615.82
	TOTAL:	**$129,350.67**
Allen E. Cromer	Back Pay:	$17,326.06
	Front Pay:	$0.00
	Emotional Distress:	$74,734.85
	Prejudgment Interest:	$3,029.47
	Post Judgment Interest:	$9,028.08
	TOTAL:	**$104,118.46**
Thedrick L. Eighmie	Back Pay:	$25,585.00
	Front Pay:	$0.00

Judgment Plaintiff	**Amount of Judgment**[2]	
	Emotional Distress:	$40,275.00
	Prejudgment Interest:	$4,473.54
	Post Judgment Interest:	$7,703.15
	TOTAL:	**$78,036.69**
Paul M. Gundersen	Back Pay:	$14,820.15
	Front Pay:	$0.00
	Emotional Distress:	$130,578.41
	Prejudgment Interest:	$2,591.31
	Post Judgment Interest:	$13,075.16
	TOTAL:	**$161,065.03**
Clifford J. Levendusky	Back Pay:	$21,461.17
	Front Pay:	$0.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$3,752.49
	Post Judgment Interest:	$13,787.09
	TOTAL:	**$164,000.75**
Clifford B. Meacham	Back Pay:	$0.00

Judgment Plaintiff	**Amount of Judgment**[2]	
	Front Pay:	$0.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$0.00
	Post Judgment Interest:	$10.038.66
	TOTAL:	**$135,038.66**
Bruce E. Palmatier	Back Pay:	$2,841.28
	Front Pay:	$13,211.05
	Emotional Distress:	$175,000.00
	Prejudgment Interest:	$496.81
	Post Judgment Interest:	$15,611.36
	TOTAL:	**$207,160.50**
Neil R. Pareene	Back Pay:	$63,050.37
	Front Pay:	$0.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$11,024.39
	Post Judgment Interest:	$21,051.78
	TOTAL:	**$220,125.84**
James R. Quinn	Back Pay:	$12,460.52
	Front Pay:	$0.00

Judgment Plaintiff	Amount of Judgment[2]	
	Emotional Distress:	$44,000.00
	Prejudgment Interest:	$2,178.73
	Post Judgment Interest:	$5,709.97
	TOTAL:	**$64,349.22**
William C. Reynheer	Back Pay:	$179,740.17
	Front Pay:	$102,380.00
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$31,427.66
	Post Judgment Interest:	$49,654.28
	TOTAL:	**$488,202.11**
John K. Stannard	Back Pay:	$58,242.97
	Front Pay:	$0.00
	Emotional Distress:	$141,703.46
	Prejudgment Interest:	$10,183.81
	Post Judgment Interest:	$21,552.87
	TOTAL:	**$231,683.11**
Allen G. Sweet	Back Pay:	$0.00
	Front Pay:	$0.00

Judgment Plaintiff	**Amount of Judgment**[2]	
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$0.00
	Post Judgment Interest:	$10,038.66
	TOTAL:	**$135,038.66**
David W. Townsend	Back Pay:	$18,126.82
	Front Pay:	$25,121.50
	Emotional Distress:	$175,000.00
	Prejudgment Interest:	$3,169.48
	Post Judgment Interest:	$19,237.66
	TOTAL:	**$240,655.46**
Carl T. Woodman	Back Pay:	$33,920.18
	Front Pay:	$42,344.21
	Emotional Distress:	$125,000.00
	Prejudgment Interest:	$5,930.96
	Post Judgment Interest:	$19,363.82
	TOTAL:	**$226,559.17**

5. Each of the foregoing "Total" Amounts listed above shall continue to accrue interest at the rate of

6.052% from March 28, 2002, until the date the judgment is satisfied.

6. The plaintiffs are granted judgment against defendants KAPL, Inc., and Lockheed Martin Corporation pursuant to the Age Discrimination in Employment Act in the amount of $873,868.09, which represents attorneys' fees incurred for all prevailing plaintiffs through November 22, 2000, less the sum of $48,689.03 which has been attribute to plaintiff Christine Palmer who settled her case with the defendants following the jury's verdict, leaving an award for attorney's fee in the net amount of **$825,179.06,** which amount shall accrue interest at the rate of 6.052%, compounded annually, from March 28, 2002, (the date of this Second Amended Judgment) until this Third Amended Judgment is satisfied.

7. The plaintiffs are granted judgment against defendants KAPL, Inc., and Lockheed Martin Corporation pursuant to the Age Discrimination in Employment Act in the amount of $23,483.02 which represents costs incurred on behalf of all prevailing plaintiffs through November 22, 2000, less the sum of $1,304.53 which has been attributed to plaintiff Christine Palmer, leaving an award for costs in the net amount of **$22,178.49,** which amount shall accrue interest at the rate of 6.052%, compounded annually, from March 28, 2002, (the date of this Second Amended Judgment) until this Third Amended Judgment is satisfied.

8. The plaintiffs are granted judgment against defendants KAPL, Inc., and Lockheed Martin Corporation pursuant to the Age Discrimination in Employment Act in the amount of $90,243.37, which

represents attorneys' fees incurred for all prevailing plaintiffs for the time period between November 22, 2000 and April 5, 2002, which amount shall accrue interest at the rate of 6.052%, compounded annually, from the date of this Third Amended Judgment until the judgment is satisfied.

9. The plaintiffs are granted judgment against defendants KAPL, Inc., and Lockheed Martin Corporation pursuant to the Age Discrimination in Employment Act in the amount of $5,334.00 which represents costs incurred on behalf of all prevailing plaintiffs for the time period between November 22, 2000 and April 5, 2002, which amount shall accrue interest at the rate of 6.052%, compounded annually, from the date of this Third Amended Judgment until the judgment is satisfied.

IT IS SO ORDERED AND ADJUDGED.

DATED: May 14, 2002
Albany, New York

/s/
DAVID R. HOMER,
UNITED STATES
MAGISTRATE
JUDGE

APPENDIX F

[E-295]

Guide

Strictly Private *Page 1*

KAPL, Inc.

Manager's Guide to Exempt Reduction in Force Implementation

The process for selecting individuals to be impacted by a business requirement for a reduction in force is difficult. However, the following guidelines provide a framework for assuring that the process is equitable and unbiased.

Layoff Matrix (Exhibit A)

- List all employees in your group on the matrix.
- Rank them in each of the three categories using a Bell Curve concept.

• Performance: Refer to the two most recent Performance Appraisals and average the rating.

P.A. Rating	Matrix Value
Unsatisfactory	0
Marginal	2
Satisfactory	4
Good	6
Excellent	8
Outstanding	10

- Flexibility: Rate the employee's flexibility within the Laboratory. Can his or her documented skills be used in other assignments that will add value to current or future Lab work? Is the employee retrainable for other Lab assignments?

- Critical Skills: How critical are the employee's skills to continuing work in the Lab? Is the individual's skill a key technical resource for the NR program? Is the skill readily accessible within the Lab or generally available from the external market?

Use the following rating continuum for both Flexibility and Critical Skills.

LOW	MEDIUM	HIGH
0 1 2 3	4 5 6 7	8 9 10

[E-296] *Strictly Private* *Page 2*

KAPL, Inc.

Manager's Guide to Exempt Reduction in Force Implementation

- Company Service: Enter the appropriate rating for the employee's length of Company Service.

Service Years	Matrix Value
<2	0
2 - 5	2
6 - 10	4
11 - 15	6
16 - 20	8
21+	10

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Total the ratings for each employee. The employee with the most points is the most valuable to your organization and should be Ranked #1. Rank all employees based on the total points. There should not be any ties, i.e., if there are ten employees in the group, they should be ranked 1 - 10; not 1-2-2-2-3-4, etc. If two employees have the same Total points perform a paired comparison to determine which should have the higher rank,

Layoff Identification (Exhibit B)

Based upon the number of positions you must reduce, select the lowest ranked employees and complete the Layoff Identification form. Recommend other positions, if applicable, within the Lab for which each employee should be considered based upon the employee's documented skills.

Adverse Impact Analysis

Once the individuals have been identified, perform an analysis to determine whether your planned actions might have a disparate impact on a protected class of employees. This analysis will test the validity of your selection decisions and give an opportunity to 'fix' potential problems before a charge is filed.

- Minority/Female Impact (Exhibit C): A test often used by the Equal Employment Opportunity Commission (EEOC) to establish disparate treatment is called the 20% or 4/5's rule. This rule finds that if the selection rate for a protected group is greater than 120% of the rate for the total population a serious discrepancy exists.

KAPL, Inc.

Manager's Guide to Exempt Reduction in Force Implementation

Example of 4/5's Rule

	Total	#RIF	%RIF	4/5 Rule	% Total Before RIF	% Total After RIF
Exempt	250	30	12.0			
Minority	18	4	22.2	14.4	7.2	6.4
Female	75	10	13.3	14.4	30.0	29.5

4/5's rule: 120% of %RIF (1.2*12.0 = 14.4)

Note potential disparate impact of minorities (22% > 14.4)

- Age Impact (Exhibit D): A similar analysis should be performed to assure that we are not violating the Age Discrimination in Employment Act (ADEA).

Review Board

The completed matrix should be reviewed with your HR Rep and then with the Review Board. The Review Board members will review your matrix and documentation to assure adherence to downsizing principles as well as minimal impact on the business and employees.

See Exhibit E for presentation guidelines.

Legal/Management Approvals

Your final RIF selections and impact analysis must be reviewed, and approved by Legal and the General Manager, KAPL.

[E-298] [0003497] STRICTLY PRIVATE

LAYOFF MATRIX

ORGANIZATION: _____ CRITICAL SKILLS _____

MANAGER: _____ _____

DATE COMPLETED: _____ _____

EMPLOYEE NAME	PERFORMANCE	CO. SERVICE	FLEXIBILITY	CRITICALITY	TOTAL	RANK

PERFORMANCE: AVG LAST 2 P.A.s		COMPANY SERVICE		FLEXIBILITY, CRITICALITY
P.A. RATING	NUMERIC VALUE	YEARS	NUMERIC VALUE	LOW MEDIUM HIGH
Unsatisfactory	0	< 2	0	0 1 2 3 4 5 6 7 8 9 10
Marginal	2	2 - 5	2	FLEXIBILITY:
Satisfactory	4	6 - 10	4	Documented Lab relevant
Good	6	11 - 15	6	skills beyond primary
Excellent	8	16 - 20	8	skills? Can be trained for
Outstanding	10	21 +	10	other Lab roles?
				CRITICALITY: Key technical knowledge for NR program? Would skill have to be replaced? Is skill in Lab?

[E-299]

COMPLETING THE LAYOFF MATRIX MANAGER'S GUIDE

1) LAYOFF COMMUNITY DEFINITION: With your Human Resources Representative, identify those employees performing similar work to the position identified for elimination/consolidation. Lay-off communities must be approved by the Manager - Professional Staffing prior to evaluating employees using the Layoff Matrix. (Note: Communities may cut across several sections)

2) PREPARING THE LAYOFF MATRIX: With the guidance of the Community Lead, the managers evaluating the community must agree on the critical skills ("Criticality") needed now and in the future. List these critical skills in the space provided on the Layoff Matrix Form.

3) COMPLETING THE LAYOFF MATRIX:

Evaluate each employee in the areas of: performance, company service, flexibility and criticality of skills using the following criteria:

PERFORMANCE: Using the following numeric values, average the employee's last two performance appraisals and record this number under the "PERFORMANCE" heading.

P.A. RATING	NUMERIC VALUE
Unsatisfactory	0
Marginal	2
Satisfactory	4
Good	6
Excellent	8
Outstanding	10

COMPANY SERVICE: Using the following numeric values, record the employee's service in the "CO. SERVICE" heading.

YEARS	NUMERIC VALUE
< 2	0
2 - 5	2
6 - 10	4
11 - 15	6
16 - 20	8
21 +	10

FLEXIBILITY: On a scale of 0-10 (0 = low 10 = high), rate the employee's flexibility in the Laboratory. Does the employee have documented Lab-relevant skills, other than his or her primary skills, that can add value to current or future Lab work? Is this employee retrainable to perform other Lab assignments?

CRITICALITY OF SKILLS: On a scale of 0-10 (0 = low 10 = high), rate the employee on criticality of skills. Is this employee the sole owner, or

one of few, who possess key technical knowledge for the NR program? Is this skill readily accessible in the Lab? Would this skill have to be replaced?

Total each employee's points

Rank each employee based on total points, most points = #1 – least points = N

[E-300] [E0003500]

STRICTLY PRIVATE

LAYOFF MATRIX

ORGANIZATION: EXAMPLE

MANAGER: _____

DATE COMPLETED: _____

CRITICAL SKILLS _____

_____

_____

EMPLOYEE NAME	PERFORMANCE	CO. SERVICE		FLEXIBILITY	CRITICALITY	TOTAL	RANK	
Ken	5	25	10	1	1	17	5	X
Amy	2	8	4	1	2	9	7	X
Paul	9	36	10	7	7	33	1	
Larry	4	18	8	3	3	18	4	
Irving	8	32	10	2	2	22	2	
Nancy	6	4	2	1	2	11	6	X
Carl	6	15	6	4	6	22	3	

[table entries handwritten]

PERFORMANCE: AVG LAST 2 P.A.s		COMPANY SERVICE		FLEXIBILITY, CRITICALITY
P.A. RATING	NUMERIC VALUE	YEARS	NUMERIC VALUE	LOW MEDIUM HIGH
Unsatisfactory	0	< 2	0	0 1 2 3 4 5 6 7 8 9 10
Marginal	2	2 - 5	2	FLEXIBILITY:
Satisfactory	4	6 - 10	4	Documented Lab relevant
Good	6	11 - 15	6	skills beyond primary
Excellent	8	16 - 20	8	skills? Can be trained for
Outstanding	10	21 +	10	other Lab roles?
				CRITICALITY: Key technical knowledge for NR program? Would skill have to be replaced? Is skill in Lab?

[E-301] [E0003501]

STRICTLY PRIVATE EXHIBIT B

KAPL LAYOFF IDENTIFICATION

ORGANIZATION_____ DATE_____

EMPLOYEE NAME	SKILL GROUP	SERVICE DATE	EEO	SEX	BIRTH DATE	SUITABLE POSITION ALTERNATIVE

APPROVAL SIGNATURES:

MANAGER _____ HR _____

SECTION MANAGER _____

[E-302] [E0003502]

STRICTLY PRIVATE EXHIBIT B

KAPL LAYOFF IDENTIFICATION

ORGANIZATION _____ DATE _____

EMPLOYEE NAME	SKILL GROUP	SERVICE DATE	EEO	SEX	BIRTH DATE	SUITABLE POSITION ALTERNATIVE
Impacted employee's position can NOT be backfilled !!						

APPROVAL SIGNATURES:

MANAGER _____ HR _____

SECTION MANAGER _____

[E-303] [0003504]

KAPL EXEMPT LAYOFF IMPACT ANALYSIS

ORGANIZATION _____ DATE _____

ANALYSIS OF MINORITIES/FEMALES IMPACT

	TOTAL	#LOW	%LOW	*4/5 RULE	% TOTAL BEFORE RIF	% TOTAL AFTER RIF
EXEMPT						
MINORITY						
FEMALE						

*120 of Total % LOW

Potential disparate impact if % minority or female LOW > 4/5 Rule

[E-304] [0003505]

STRICTLY PRIVATE EXHIBIT C

KAPL EXEMPT LAYOFF IMPACT ANALYSIS

ORGANIZATION EXAMPLE DATE

ANALYSIS OF MINORITIES/FEMALES IMPACT

	TOTAL	#LOW	%LOW	*4/5 RULE	% TOTAL BEFORE RIF	% TOTAL AFTER RIF
EXEMPT	250	30	12.0	–	–	–
MINORITY	18	4	22.2	14.4	7.2	6.4
FEMALE	75	10	13.3	14.4	30.0	29.5

[table entries handwritten]

*120 of Total % LOW

Potential disparate impact if % minority or female LOW > 4/5 Rule

[E-305] [0003506]

KAPL EXEMPT LAYOFF AGE IMPACT ANALYSIS

ORGANIZATION_____ DATE_____

EMPLOYEES BY AGE GROUP

	Below 40		40-44		45-49		50-54		55-59		60-64		65-69	70+	
	#	%	#	%	#	%	#	%	#	%	#	%	#	#	%
CURRENT TOTAL															
AFFECTED BY RIF															
TOTAL AFTER RIF															

[E-306] [0003507]

STRICTLY PRIVATE EXHIBIT D

KAPL EXEMPT LAYOFF IMPACT ANALYSIS

ORGANIZATION EXAMPLE DATE

EMPLOYEES BY AGE GROUP

	Below 40		40-44		45-49		50-54		55-59		60-64		65-69		70+	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
CURRENT TOTAL																
AFFECTED BY RIF																
TOTAL AFTER RIF																

SUMMARY AGE IMPACT

	NUMBER	SUM OF AGES	AVERAGE AGE
TOTAL EXEMPTS	250	12,867	51.5
TOTAL RIF	30	1,618	53.9
TOTAL AFTER RIF	220	11,249	51.1

[table entries handwritten]

[E-307] [0020660]

Review Board Presentation Outline

I. Organization
- give an overview of the Section structure
- highlight areas of excess skills or open positions
- identify the targeted population and give rationale

II. Matrix
- discuss flexibility and criticality criteria
- discuss individuals at bottom of matrix
- identify any issues

III. Next steps
- what other positions should be considered as suitable offers
- how will the work be accomplished after the RIF

[E-308] [0020659]

KAPL Review Board

Presentation Format

Talking Points:

Rationalization for population selected, e.g. elimination of work or position.

How were the positions selected?

Discussion of matrix and how individuals were selected. Should they receive a suitable offer (are there other positions they could move to)?

Issues surrounding the selection
- with the individuals
- with the work group

Is the work going away? If not, how will it be transitioned?

Discuss impact analysis data; ..y issues?

Have you addressed all your excess skill areas?

What skills/positions do you still need to fill?

Supporting Documentation:

Bring the original plus ~~three copies~~ overhead T/P of:

- budget analysis worksheet
- matrix
- adverse impact analysis

APPENDIX G

[E-309] [0003489]

Manager Information Sessions

November 27 – 30, 1995

- RIF Policy Review
- Employee Identification Process
- Reviews and Approvals

[E-310] [0003490]

KAPL, Inc. Salaried RIF Policy

- Business need to reduce costs / staff
  - Not a substitute for performance appraisals
- Identify job skills/classifications
- Evaluate all employees in affected categories
- Exempt / Non-exempt differences
  - in evaluation
  - in implementation

[E-311] [0003491]

Non-exempt RIF Process

- Evaluation is based on Company service
- Least senior in classification within Section gets notice
  - Suitable offer to open position
  - Bumps less senior employee in similar position
- Refusal of suitable offer equals resignation

[E-312] [0003492]

Exempt RIF Process

- Identify population/skills to be affected
- Rank all employees based on:
  - Work performance
  - Criticality of skills to Lab operation
  - Flexibility
- Factor in length of service
- Use matrix sheet for consistency

[E-313] [0003499]

Critical Skills

- Differentiate position vs. individual's skills
- All skills are important, but . . .
- Some skills more unique/critical to Lab operation and NR Program
  - Are there others in the Lab who can learn/perform this function?

[E-314] [0003493]

What is the Population?

- What is needed to meet Lab objectives?
- Whole organization or targeted areas
  - Specific units
  - Specific skill categories/job classifications

[E-315] [0003494]

Population EXAMPLE

- Review work load and skill mix
- Options:

#1 Reduce only in area where work will decrease

#2 Reduce only in area of excess skills

#3 Reduce equally across all subsections

[E-316] [0003495]

ARP Example

Component	Actual	Option 1	Option 2	Option 3
TOTAL	316	6	6	6
681	9			
682	33	2		1
683	34			1
684	28			1
685	49			
686	43	4		1
687	57		6	1
688	14			
689	3			
77	46			1

[E-317] [0003498]

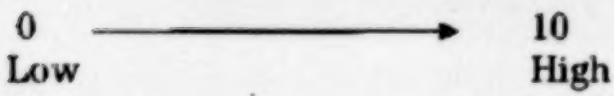
Flexibility

- How adaptable are they to other work
  - previously held other positions
- Skills beyond those needed in current position
- Exhibits willingness to assist other functions/areas within the Lab

[E-318] [0003496]

Matrix

- List ALL employees in defined population
- Rate performance
  - documented P.A.
  - average last two years
- Rate Flexibility and Critical Skills
- Add rating for Company service



SUMMARY AGE IMPACT

	NUMBER	SUM OF AGES	AVERAGE AGE
TOTAL EXEMPTS			
TOTAL RIF			
TOTAL AFTER RIF			

[E-319] [0003508]

Review Board

- Discuss rationale for population selected
- Review matrix
- Discuss individuals identified
  - any issues
  - other suitable opportunities
- How will work be transitioned
- Review impact analysis

[E-320] [0003509]

Next Steps

• Complete matrix/analysis	11/28-29
• Meet with Review Board	11/30-12/1
• Legal/GM review	12/1-12/4
• Attend manager forum	12/5
• Notify employees	12/6

APPENDIX H

[E-321]

KAPL REVIEW BOARD

PRESENTATION FORMAT

TALKING POINTS:

1) RATIONALIZATION FOR ELIMINATION OF WORK/ POSITION

2) HOW HAVE THESE POSITIONS BEEN SELECTED?

3) HOW HAVE THESE EMPLOYEES BEEN SELECTED: PROCESS?

4) ISSUES SURROUNDING THESE PROPOSED ACTIONS/ HOW WILL WORK BE HANDLED IN THE FUTURE?

5) ARE THERE ANY ISSUES REGARDING THE IDENTIFIED EMPLOYEES THAT WE SHOULD BE AWARE OF?

6) TIMING: WHY NOW?

SUPPORTING DOCUMENTATION, INCLUDING BUDGET/ MANPOWER FORECASTS MAY BE REQUESTED DURING THE REVIEW.

APPENDIX I

[E-250] [page 1]

- [CHECK SOUND PICK-UP IN ROOM]
- It's been about a year since my last review with you on the State of the Business.
- This year I want to:
- Review the direction that we set last year,
- Highlight a few of our accomplishments that reinforce this direction,

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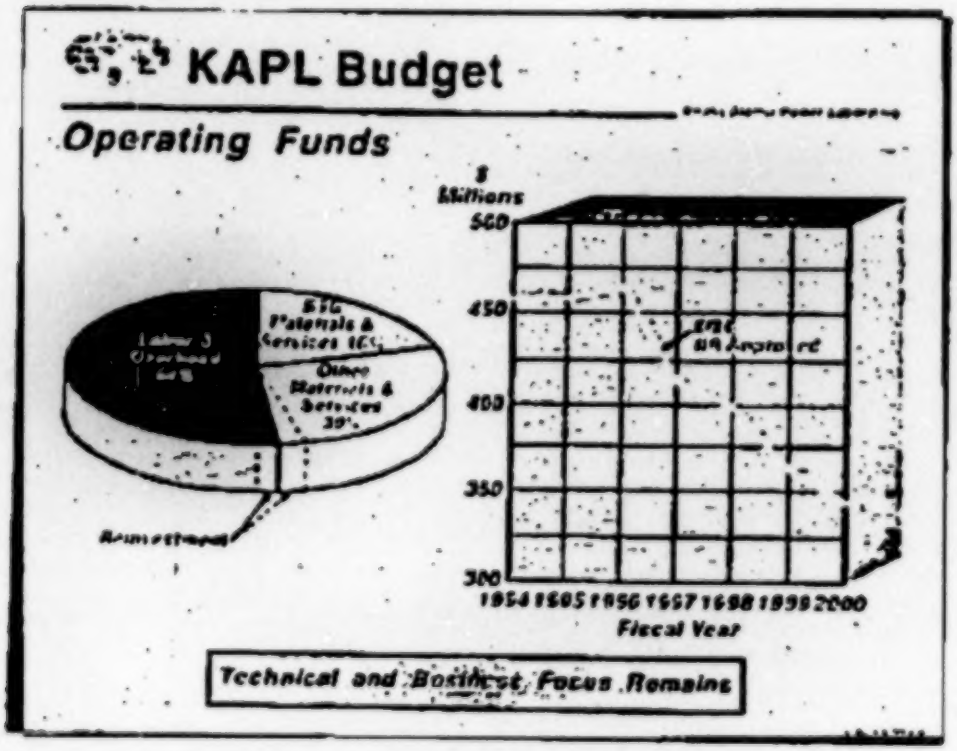
- Take a quick look at the uncertain environment that demands a sound strategy and high performance standards,

- Take a candid look at our performance in this environment, and,

- finally, I want to challenge you to be players in making change.

- I will also provide an opportunity for you to ask questions . . . please think while I talk.

[E-251] [page 19]

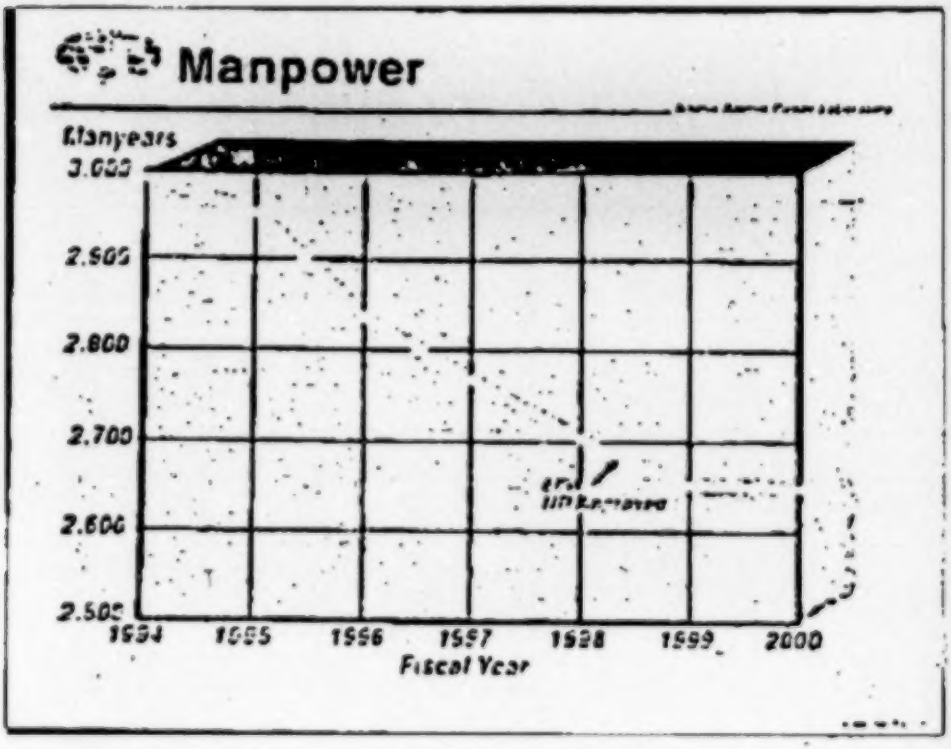


- This environment is perhaps most directly felt in terms of its impact on our budget.

- This chart shows about a 25% reduction in our operating budget, driven mostly by the change in funding of S9G subcontract design work from R&D to directly funded Navy construction funding.

- However, this reduction is also driven, in part, by the reduction in Laboratory manning.

[E-252] [page 20]



- This chart shows the downsizing challenge we currently face

- If these numbers hold up, we must reduce Lab staffing by about 150 people over the next two years.

- But the real challenge is to do this while supporting our changing work requirements: As we and the Program decide to stop work in one area and start

different work in another area, the nature of the work and the required skills can change significantly. For example, D1G is coming down; Alternate Cycles is staffing up . . .

- This means we need people who can make this kind of transition. People who are versatile and motivated to retrain and work in unfamiliar areas, like the people who move into the QA NDT area.
- If we are able to do this, and if our staffing plans and historical attrition trends hold, I believe we can meet our ceiling targets without a significant LOW situation
- If there are some areas where we can not do this as well as we need to, we will handle them on a case-by-case basis with voluntary-type actions or selected LOWs.
- But this budget environment continues to be uncertain. We need to perform, and we need to be flexible. The more people are able to broaden their skill base, the better off we will be and the better prepared for any eventuality each person will be.